



## CITY COUNCIL

### AGENDA

December 17, 2001 – 7:30 P.M.  
Council Chambers – City Hall  
500 West Big Beaver, Troy, Michigan 48084  
(248) 524-3300

#### **CALL TO ORDER** **1**

#### **Invocation & Pledge Of Allegiance – Rev. R. Engle–N. Hills Christian Reformed Church** **1**

#### **ROLL CALL** **1**

A-1 Minutes: Regular Meeting of [December 3, 2001](#) 1

A-2 Presentations: (a) Service Commendation – Susan Blank; (b) Service Commendation – Robert Skinner 1

#### **CARRY-OVER ITEMS** **1**

B-1 Equalizer Presentation 1

#### **PUBLIC HEARING** **2**

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C-2 Acceptance of a Local Law Enforcement Block Grant – Standard Purchasing Resolution 4: State of Michigan Extended Purchasing Program Award – Automatic External Defibrillators (AED's) 3

C-3 Proposed Rezoning from C-4 Motion – North Side of Maple, West of Livernois – Section 28, B-2 to H-S 4

C-4 Proposed Rezoning from Burton-Katzman Company – North of Big Beaver, East Side of Wilshire - Section 21, R-C to O-S-C 4

***NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk (248) 524-3316 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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## **CALL TO ORDER**

**Invocation & Pledge Of Allegiance** – Rev. R. Engle–N. Hills Christian Reformed Church

## **ROLL CALL**

Mayor Matt Pryor  
Robin Beltramini  
Martin F. Howrylak  
Thomas S. Kaszubski  
David A. Lambert  
Anthony N. Pallotta  
Louise E. Schilling

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### **A-1 Minutes: Regular Meeting of December 3, 2001**

#### Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of December 3, 2001 be approved.

Yes:

No:

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### **A-2 Presentations: (a) Service Commendation – Susan Blank; (b) Service Commendation – Robert Skinner**

## **CARRY-OVER ITEMS**

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### **B-1 Equalizer Presentation**

Staff would like to make a 10-minute presentation to City Council. The presentation will highlight the benefits of the Equalizer received by both the citizens and City staff.

## PUBLIC HEARING

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**C-1 Continuance of Public Hearing from November 19, 2001 for Request for Parking Variance – 1477 John R**

City Management requests a 5-minute presentation regarding this item.

Resolution #2001-12-

Moved by

Seconded by

**(a) RESOLUTION A FOR APPROVAL**

WHEREAS, Chapter 39, Section 44.00 and Section 43.72.00 of the Troy Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance; and
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district; and
3. The variance does not cause an adverse effect to the properties in the immediate vicinity or zoning district; and
4. The variance relates only to property described in the application for variance; and

WHEREAS, Chapter 39, Section 43.72.00 also requires that in granting the requested variance, the City Council shall find that the practical difficulties justifying the variances are:

1. That absent a variance, no reasonable use can be made of the property; or
2. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
3. That absent a variance, public health, safety and welfare would be negatively affected; or
4. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal, as long as the following conditions are met:

1. The attached lease agreement between Mario's of Troy and Timed Properties shall be immediately executed between the parties, and recorded with the Oakland County Register of Deeds.

2. The attached lease agreement between Mario's of Troy and Timed Properties shall be operative and binding for as long as the requested outdoor dining of Mario's Inc. is requested. Proof of the effectiveness of the referenced lease agreement shall be provided upon request of City of Troy representatives.
3. The proposed parking, which Mario's of Troy intends to lease from Timed Properties, must be constructed and approved before a certificate of occupancy can be granted for the outdoor dining request of Mario's of Troy.

NOW, THEREFORE, BE IT RESOLVED, That the request from David Donnellon for waiver of 48 parking spaces at the development at 1477 John R be **APPROVED**.

or,

**(b) RESOLUTION B FOR DENIAL**

WHEREAS, Chapter 39, Section 44.00 and Section 43.72.00 of the Troy Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Chapter 39, Section 43.72 of the Troy Zoning Ordinance requires that in granting, the City Council shall find that there are practical difficulties justifying the variances; and

WHEREAS, City Council has not found that the requirements of these ordinance provisions have been met;

NOW, THEREFORE, BE IT RESOLVED, That the request from David Donnellon for waiver of 48 parking spaces at the development at 1477 John R. Road be **DENIED**.

Yes:

No:

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**C-2 Acceptance of a Local Law Enforcement Block Grant – Standard Purchasing  
Resolution 4: State of Michigan Extended Purchasing Program Award – Automatic  
External Defibrillators (AED's)**

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, The City of Troy accepts a Local Law Enforcement Block Grant in the sum of \$30,964.00 and hereby approves and designates the use of the grant for the purchase of Automatic External Defibrillators (AED's).

BE IT FURTHER RESOLVED, That a contract for the purchase of Automatic External Defibrillators from Laerdal Corporation is hereby approved through the State of Michigan Extended Purchasing Program (Contract #071B0000531) at an estimated cost of \$34,368.00.

Yes:

No:

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**C-3 Proposed Rezoning from C-4 Motion – North Side of Maple, West of Livernois – Section 28, B-2 to H-S**

City Management requests a 5-minute presentation regarding this item.

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the B-2 to H-S rezoning request of a 0.7343 acre/31,984 square feet, located on the north side of Maple and west of Livernois is hereby approved, as recommended by City Management and by the Planning Commission.

Yes:

No:

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**C-4 Proposed Rezoning from Burton-Katzman Company – North of Big Beaver, East Side of Wilshire - Section 21, R-C to O-S-C**

City Management requests a 5-minute presentation regarding this item.

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the R-C to O-S-C rezoning request of 1.857 acres, located north of Big Beaver, on the east side of Wilshire and on the west side of I-75, is hereby approved, as recommended by City Management and by the Planning Commission.

Yes:

No:

**VISITOR COMMENTS**

*Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be*

*deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 15, as amended May 7, 2001.)*

## CONSENT AGENDA

*The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. A member of the audience who wishes to speak in opposition to the recommended action for any given Consent Agenda item may do so with the approval of a majority vote of City Council. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended May 7, 2001.)*

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### E-1 Approval of Consent Agenda

#### Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Item(s) \_\_\_\_\_, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

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### E-2 Petition Analysis, Paving of Westaway, Section 3, SAD – Project No. 01.112.1

#### (a) Standard Resolution #1

#### Suggested Resolution

Resolution #2001-12-

RESOLVED, That Standard Resolution #1 be hereby adopted to direct the preparation of plans and costs estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Westaway in Section 3, Project No. 01.112.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

**(b) Standard Resolution #2**

Suggested Resolution  
Resolution #2001-12-

RESOLVED, That Standard Resolution #2 be hereby adopted to approve plans and cost estimates for a Special Assessment to pay all or part of Asphalt Paving of Westaway in Section 3, Project No. 01.112.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy,

Total Estimated Cost	\$280,843.00
Assessment (20 units @ \$3,439.50 ea.)	68,790.00
City's Share	212,053.00

BE IT FURTHER RESOLVED, That the City Assessor is hereby ordered and directed to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

**(c) Standard Resolution #3**

Suggested Resolution  
Resolution #2001-12-

RESOLVED, That Standard Resolution #3 be hereby adopted to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of Westaway in Section 3, Project No. 01.112.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be established for February 4, 2002.

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**E-3 Repeal of Chapter 92**

Suggested Resolution  
Resolution #2001-12-

RESOLVED, That Chapter 92, of the Troy City Code, is hereby repealed.

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**E-4 Payment of Updated Tree Appraisal Amounts – 3640 W. Big Beaver – Parcel 2-N, Project – Adams to Coolidge – Project No. 93.207.6**

Suggested Resolution  
Resolution #2001-12-

RESOLVED, That the Real Estate and Development Department is hereby authorized to pay Frank A. Winay and Nancy A. Winay, owners of 3640 West Big Beaver the total amount of \$16,965.28 for payment of additional tree appraisal amounts based on supplemental appraisals dated August 8, 2001 and December 3, 2001.

**E-5 Standard Purchasing Resolution 3: Exercise Renewal Option – Gasoline and Diesel Fuel Contracts**Suggested Resolution

Resolution #2001-12-

WHEREAS, On January 10, 2000, two (2) year contracts with an option to renew for two (2) additional years to provide gasoline and diesel fuel were awarded to the low bidders, Barrick Enterprises, Inc. and Atlas Oil Company (Resolution #2000-20); and

WHEREAS, Both awarded bidders have agreed to exercise the two-year option to renew and the City of Sterling Heights has approved the contracts under the same pricing structure, terms, and conditions for participating members of the Tri-County Purchasing Cooperative;

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contracts are hereby exercised with Barrick Enterprises, Inc. and Atlas Oil Company to provide gasoline and diesel fuel under the same pricing structure, terms, and conditions for two years expiring January 31, 2004.

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**E-6 Standard Purchasing Resolution 1: Award to Low Bidder – One (1) 86,000 GVW Tri-Axle Dump Truck, 2002 Model**Suggested Resolution

Resolution #2001-12-

RESOLVED, That a contract to purchase one (1) 86,000 GVW Tri-Axle Dump Truck, 2002 Model with 14-16 yard dump box, underbody scraper, front mounted snowplow and V-bottom salt spreader with hydraulic system, including the upgraded hydraulic and fuel tanks (from a 10 gauge to a 7 gauge thickness), is hereby awarded to the low bidder, Wolverine Truck Sales, Inc., at unit prices contained in the bid tabulation opened November 14, 2001, a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of \$133,969.00.

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**E-7 Private Agreement for Pipefitters Training Center Project No. 01.940.3**Suggested Resolution

Resolution #2001-12-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Pipefitters Training Center, is hereby approved for the installation of water main and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.



**E-8 Request for Approval to Pay Business Relocation Claim – Petro-Chem Equipment Sales, Inc. (Joseph W. Kabacinski) – Proposed Fire Station #3 Expansion – 2300 West Big Beaver Road, Suite #12**

Suggested Resolution  
Resolution #2001-12-

RESOLVED, That as required by Michigan Laws and Federal Guidelines, the City Council of the City of Troy hereby authorizes payment for relocation benefits on a fixed payment basis in the amount of \$20,000.00, to Petro-Chem Equipment Sales, Inc. (Joseph W. Kabacinski), the business being displaced from property at 2300 West Big Beaver Road, Suite #12.

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**E-9 Application for Transfer of Ownership from Jumbo Investment, Inc.**

**(a) License Transfer**

Suggested Resolution  
Resolution #2001-12-

RESOLVED, That the request from JUMBO INVESTMENT, INC. to transfer ownership of 2000 Class C licensed business (license only currently in escrow), with Dance Permit and Official Permit (Food), located at 1555 E Maple, Troy, from YEE'S INVESTMENT, INC., be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

**(b) Agreement**

Suggested Resolution  
Resolution #2001-12-

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with JUMBO INVESTMENT, INC., which shall become effective upon approval of the transfer of ownership of 2000 Class C licensed business, with Dance Permit and Official Permit (Food), located at 1555 E Maple, Troy, from YEE'S INVESTMENT, INC.; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

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**E-10 Application for Transfer of Stock from C.A. Muer Corporation**

**(a) License Transfer**

Suggested Resolution  
Resolution #2001-

RESOLVED, That the request from C.A. MUER CORPORATION, to transfer all stock in 2001 Class C licensed business, located at 5498 Crooks, Troy, from current stockholders (several) to new stockholder, HOSPITALITY PROPERTY GROUP LLC, be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

**(b) Agreement**

Suggested Resolution

Resolution #2001-

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with C. A. MUER CORPORATION, which shall become effective upon approval of the request to transfer all stock to HOSPITALITY PROPERTY GROUP LLC; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

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**E-11 Standard Purchasing Resolution 1: Award to Low Bidder – Irrigation System Installation**

Suggested Resolution

Resolution #2001-

RESOLVED, That a contract for Irrigation Installation at Raintree and Boulan Parks, is hereby awarded to the low bidder, Advanced Irrigation Systems, Inc., at an estimated total cost of \$26,050.00.

BE IT FURTHER RESOLVED, That the award is contingent upon contractors submission of properly executed proposal and bid documents, including bonds, insurance certificates and all other specified requirements, and if additional work is required that could not be foreseen, such additional work is authorized in accordance with the Schedule of Values dated November 26, 2001, a copy of which shall be attached to the original Minutes of this meeting in an amount not to exceed 10% of the total project cost.

## REGULAR BUSINESS

*Persons interested in addressing City Council on items, which appear on the printed Agenda, may do so at the time the item is discussed. For those addressing City Council, time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 6, as amended May 7, 2001. Persons interested in addressing City Council on items, which are not on the printed Agenda, may do so under the last item of the Regular Business (F) Section.*

**F-1** Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) Board of Canvassers; (c) Civil Service Commission (Act 78); (d) Downtown Development Authority; (e) Election Commission; (f) Historic District Commission; (g) Historical Commission; (h) Library Committee (i) Liquor Committee; (j) Planning Commission; (k) Traffic Committee; and (l) Troy Daze Committee

Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the following persons are hereby appointed by the City Council to serve on the Boards and Committees as indicated:

(a) Advisory Committee for Persons with Disabilities Council Appointment

\_\_\_\_\_ Term Expires 12-01-2003 (Alternate)

\_\_\_\_\_ Term Expires 12-01-2004

\_\_\_\_\_ Term Expires 12-01-2004

(b) Board of Canvassers Council Approval

\_\_\_\_\_ Unexpired Term Expires 12-31-2003

\_\_\_\_\_ Term Expires 12-31-2005

\_\_\_\_\_ Term Expires 12-31-2005

The City Clerk's Office has contacted the Democratic and Republican Parties for Oakland County for their recommendations.

(c) Civil Service Commission (Act 78) Mayor, Council Approval

David C. Cannon \_\_\_\_\_ \*Term Expires 04-30-~~2003~~ 2006

**\*Note:** Pursuant to State Law Act 78 of the Public Acts of 1935: “(a) One member shall be appointed by the Mayor of the City with the approval of the City Commission for a period of six years. Thereafter, all appointments shall be for a period of 6 years each.” Mr. Cannon’s term expiration date is corrected in accordance with the provisions of aforementioned State Statute.

(d) Downtown Development Authority

Mayor, Council Approval

\_\_\_\_\_ Term Expires 09-30-2005

(e) Election Commission

Council Appointment

\_\_\_\_\_ Term Expires \*01-31-2003

\_\_\_\_\_ Term Expires \*01-31-2003

**\*Note:** Pursuant to Section 7.13 - Election Commission of the Troy City Charter “. . . two members shall be appointed by the council annually in January for a term of one year.”

The City Clerk’s Office has contacted the Democratic and Republican Parties for Oakland County for their recommendations.

(f) Historic District Commission

Council Appointment

\_\_\_\_\_ Term Expires 03-01-2004

(g) Historical Commission

Council Appointment

\_\_\_\_\_ Student Rep Term Expires 07-01-2002

\_\_\_\_\_ Term Expires 07-31-2004

(h) Library Committee

Council Appointment

\_\_\_\_\_ Student Rep Term Expires 07-01-2002

(i) Liquor Committee

Council Appointment

\_\_\_\_\_ Student Rep Term Expires 07-01-2002

(j) Planning Commission

Mayor, Council Approval

\_\_\_\_\_ Term Expires 12-31-2004

(k) Traffic Committee

Council Appointment

\_\_\_\_\_ Student Rep Term Expires 07-01-2002

(I) Troy Daze Committee

Council Appointment

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Student Rep Term Expires 07-01-2002

Yes:

No:

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**F-2 Closed Session**Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Section (e), Taleb v. City of Troy and Neiman Marcus, after adjournment of this meeting.

Yes:

No:

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**F-3 Fetterly Drain and the Proposed Oak Forest Subdivision**

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the City of Troy grants approval to access the Fetterly Drain easement across City-owned property adjacent to Jaycee Park, subject to review and approval by the City of Troy, Oakland County Drain Commission, and the Michigan Department of Environmental Quality of site engineering plans meeting all applicable state, and local laws, ordinances and design requirements, including state wetland regulation; and

BE IT FURTHER RESOLVED, That approval is also subject to City access to property impacted by the Fetterly Drain improvements in order to inventory existing wetlands and assurance that impacts to state-regulated wetlands are eliminated or mitigated to the satisfaction of the city and the Michigan Department of Environmental Quality.

Yes:

No:

**F-4 Sister City Program**Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That staff from the Community Affairs Department and the City Manager's Office will research the opportunities and make recommendations related to establishing a Sister City Relationship between a foreign city and the City of Troy. Membership fees for Sister Cities International (SCI) can be included in the 2002-03 budget. Annual SCI membership fees for Troy (based on population) would be \$525.00 for 2002 and increase to \$575.00 for 2003.

Yes:

No:

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**F-5 Proposed Ballot Language - Wetlands**Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the following question be placed on the ballot for the General Election to be held April 1, 2002:

**“Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000.00 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring property with natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats?”.**

Yes:

No:

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**F-6 Voluntary Stormwater Permit Certificate of Coverage and Resolution in Support of Troy's Stormwater Pollution Prevention Initiative**

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

WHEREAS, The City of Troy is a municipality located in the Rouge River and Clinton River Watersheds; and

WHEREAS, The City of Troy has a Certificate of Coverage under the Michigan Department of Environmental Quality's Voluntary General Stormwater Permit Program; and

WHEREAS, The City of Troy, which is situated in the Main 1 & 2 sub-watershed district of the Rouge, has actively participated with the other Main 1 & 2 sub-watershed communities in the development of a sub-watershed management plan, public education plans, and also sub-watershed plans for the identification of illicit connections and elimination of illicit discharges, in addition to other pollution control measures; and

WHEREAS, The City of Troy is committed to the goals as set forth in the voluntary storm water permit, and will use its best efforts in reducing the pollution in both the Rouge River Watershed and the Clinton River Watershed;

NOW ,THEREFORE, BE IT RESOLVED, The City of Troy supports the Stormwater Pollution Prevention Initiative for the Main 1 & 2 sub-watershed management plan.

Yes:

No:

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**F-7    Award of Contract for Phase I of Museum Physical Maintenance and Conservation Plan**

Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

WHEREAS, Gerald J. Yurk Associates, Incorporated is listed on the State of Michigan's History Division's List of Qualified Historic Preservation Architects; and

WHEREAS, The Historical Commission and City Management recommend Gerald J. Yurk Associates, Incorporated;

NOW, THEREFORE, BE IT RESOLVED, That the contract for Architectural Services to provide the Building Assessment that is Phase I of a Comprehensive Physical Maintenance and Conservation Plan for the Museum is awarded to Gerald J. Yurk Associates, Incorporated, for an amount not to exceed \$20,580.00.

NOW, LET IT BE FURTHER RESOLVED, That an amount of \$2,058.99 be approved to cover reimbursable expenses and additional unforeseen work.

Yes:

No:

**F-8 Bid Award – Highest Acceptable Commission Rate – Vending Machine Services**Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That a contract with Vendtek, the highest acceptable bidder, to furnish Vending Machine Services for five years with five (5) one-year options to renew is hereby approved at a commission rate of 15% for coffee, snacks, candy, bottle and can beverages, ice cream will provide a 10% rate of return; money changes cost \$15.00 per month.

Yes:

No:

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**F-9 Proposed Dates for a Joint Workshop with the Planning Commission**Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That a joint workshop with City Council, the Planning Commission and the City's planning consultant, Richard Carlisle be scheduled for \_\_\_\_\_, at 7:30 PM.

Yes:

No:

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**F-10 Proposed Agreement – Peacock Poultry**Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the Agreement between the City of Troy and Peacock Poultry Farms is hereby approved, the Mayor and City Clerk are authorized to execute the document, and a copy is to be attached to the original Minutes of this meeting.

Yes:

No:



**F-11 Chapter 16 Composting Language****(a) Proposed Resolution Adopting Alternative Ordinance A**Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That an ordinance amendment to Chapter 16, Section 2.19 is hereby adopted. A copy of this ordinance shall be attached to the original Minutes of this meeting.

or,

**(b) Proposed Resolution Adopting Alternative Ordinance B**Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That an ordinance amendment to Chapter 16, Section 2.19 is hereby adopted. A copy of this ordinance shall be attached to the original Minutes of this meeting.

Yes:

No:

**COUNCIL COMMENTS/REFERRALS**

**DISCUSSION:** [Re: Placement of "In God We Trust" Motto on City Buildings](#)

## VISITORS

*Any person not a member of the Council who have not addressed Council during the 1<sup>st</sup> Visitors Comments may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 5 (16) and Article 15, as amended May 7, 2001.)*

## REPORTS AND COMMUNICATIONS

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### **G-1** Proposed City of Troy Proclamations:

Resolution #2001-12-  
Moved by  
Seconded by

RESOLVED, That the following City of Troy Proclamations, be approved:

- (a) Service Commendation, Susan Blank
- (b) Service Commendation, Robert Skinner

Yes:  
No:

**G-2 Minutes – Boards and Committees:**

- (a) Historic District Commission/Final – September 18, 2001
  - (b) Historic District Commission/Draft – October 16, 2001
  - (c) Advisory Committee for Senior Citizens/Final - November 1, 2001
  - (d) Police and Fire Commission (Act 78)/Final – November 6, 2001
  - (e) Advisory Committee for Persons with Disabilities/Final - November 7, 2001
  - (f) Building Code Board of Appeals/Final – November 7, 2001
  - (g) Parks & Recreation Advisory Board/Draft – November 8, 2001
  - (h) Board of Zoning Appeals/Draft – November 20, 2001
  - (i) Charter Revision Committee/Final – November 20, 2001
  - (j) Historic District Commission/Draft – November 20, 2001
  - (k) Troy Daze Minutes/Draft – November 27, 2001
  - (l) Traffic Committee/Draft – November 28, 2001
  - (m) Charter Revision Committee/Draft – December 4, 2001
  - (n) Building Code Board of Appeals/Draft – December 5, 2001
- 

**G-3 Department Reports:**

- (a) Quarterly Development Report for December and Permits Issued During the Month of November 2001
  - (b) Monthly Financial Report – November 30, 2001
- 

**G-4 Announcement of Public Hearings:**

- (a) Request for Commercial Vehicle Appeal – 649 Troywood – Scheduled for January 7, 2002
  - (b) Request for Commercial Vehicle Appeal – 2493 E. Maple – Scheduled for January 7, 2002
- 

**G-5 Proposed Proclamations/Resolutions from Other Organizations:**

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**G-6 Letters of Appreciation:**

- (a) Letter to Chief Craft from Jeanne M. Stine, Re: Sgt. David Livingston
  - (b) Letter to Police Department from Stephanie R., Re: Thanking Them for Their Service
  - (c) Letter to City Council from David Lindquist, Re: Health Insurance Premiums for Retirees
- 

**G-7 Calendar**

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**G-8 Memorandum from City Manager John Szerlag, Re: Wal-Mart Donation to Parks and Recreation**

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**G-9** Memorandum from City Manager John Szerlag, Re: Proposed Snow Emergency Ordinance

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**G-10** Vehicle Auction

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**G-11** Meadow Creek Subdivision–W. of Evanswood, N. of Square Lake–Section 1

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**G-12** Status of the City’s Salt Supply

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**G-13** Appointment of Michele Hodges to the Downtown Development Authority

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**G-14** State Farm v. City of Troy (Essian Case)

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**G-15** Follow-up Information Requested by Council for Agenda Item F-5 from November 19, 2001 – Authorization to Hire Real Estate Consultant for Road Work on Long Lake Road – Carnaby Street to Dequindre Road

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**G-16** Joint Recommendation to Relocate Historic Methodist Church and Parsonage from its Current Site on Square Lake to the Village Green

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**G-17** City Council Boardroom Seating – Leather vs. Cloth

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**G-18** Elected Official Names on Municipal Building Dedication Plaques

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**G-19** Proposed Ballot Language – Pension

**G-20 Officer Pete Pizzorni–Recipient of the U.S. Dept. of Justice Directors Award**

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**G-21 Public Comment**

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Respectfully submitted,

John Szerlag, City Manager

A Regular Meeting of the Troy City Council was held Monday, December 3, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Kaszubski called the Meeting to order at 7:37 P.M.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The Invocation was given by Pastor Tim Kade – Faith Lutheran Church

**ROLL CALL**

**PRESENT:** Mayor Matt Pryor – Late - 8:19 P.M.  
Robin E. Beltramini  
Martin F. Howrylak  
Thomas S. Kaszubski  
David A. Lambert  
Anthony N. Pallotta  
Louise E. Schilling

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**A-1 Minutes: Regular Meeting of November 19, 2001 and Special Meeting of November 26, 2001**

Resolution #2001-12-576  
Moved by Pallotta  
Seconded by Schilling

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of November 19, 2001 and Special Meeting of November 26, 2001 be approved.

Yes: All-7

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**A-2 Presentation: Certificate of Recognition – Troy High School – 2001 Girls Swimming & Diving Team**

Mayor Pro Tem Kaszubski presented Certificates of Recognition to the Troy High School Girls Swimming & Diving Team for their season accomplishment.

**PUBLIC HEARING**

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**C-1 Request for Commercial Vehicle Appeal – 1800 E. Long Lake Rd.**

Resolution #2001-12-577  
Moved by Howrylak  
Seconded by Schilling

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:\_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED, That the request from Grant Norris, 1800 E. Long Lake, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford welding truck in a residential district is hereby approved for up to two years.

Yes: All-7

## **VISITOR COMMENTS**

## **CONSENT AGENDA**

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### **E-1 Approval of Consent Agenda**

Resolution #2001-12-578

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Item E-6, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

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**E-2 Standard Purchasing Resolution 5 – Approval of Funding HAVEN Program**

Resolution #2001-12-578-E-2

RESOLVED, That the City Council of the City of Troy does hereby authorize continued support by providing \$4,500.00 from the Police Department contractual services account for the HAVEN Program.

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**E-3 Private Agreement for MLS Equity Office Building – 1800 W. Big Beaver – Project No. 00.971.3**

Resolution #2001-12-578-E-3

RESOLVED, That the contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and MLS Equity, L.L.C., is hereby approved for the installation of water main and paving at 1800 W. Big Beaver, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

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**E-4 Request for Acceptance of Permanent Easements for Storm Drain/Sewer – Blanche/Livernois Rear Yard Drain – Sidwell #88-20-09-233-016, -017, & -018**

Resolution #2001-12-578-E-4

RESOLVED, That the permanent easements from John E. Bock and Florence M. Bock, Margaret A. Bach and Mary E. Fortier, and Wayne Roberts and Brenda Roberts, being parts of properties having Sidwell #88-20-09-233-016, -017, and –018 respectively, are hereby accepted for the construction, operation, maintenance, and repair of public storm drain; and BE IT FURTHER RESOLVED, That the City Clerk is hereby directed to record said documents with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

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**E-5 Request for Acceptance of Warranty Deed and Easements - Wattles Park Condominiums – Choice Development Corporation – Project No. 01.912.3 – Sidwell #88-20-21-102-020**

Resolution #2001-12-578-E-5

RESOLVED, That the Warranty Deed for additional Wattles Road and Finch right-of-way and the permanent easements for water main and sanitary sewer from Choice Development Corporation, being part of property having Sidwell #88-20-21-102-020, are accepted; and the City Clerk is hereby directed to record said documents with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.



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**E-7 Smith v. City of Troy, Al's Jewelry & Loan**

Resolution #2001-12-578-E-7

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Roosevelt Smith v. Troy Police Department and Al's Jewelry and Loan, and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

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**ITEM TAKEN OUT OF ORDER**

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**E-6 Contract With Oakland County Drain Commission**

Resolution #2001-12-579

Moved by Pallotta

Seconded by Beltramini

RESOLVED, That the Oakland County Drain Commissioner's Contract for Storm Water Management Services with the City of Troy is hereby approved, the Mayor and City Clerk are authorized to execute the documents, and a copy shall be attached to the original Minutes of this meeting

Yes: All-7

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**REGULAR BUSINESS**

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**F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) Board of Canvassers; (c) Downtown Development Authority; (d) Election Commission; (e) Historic District Commission; (f) Historical Commission; (g) Library Committee; (h) Liquor Committee; (i) Planning Commission; (j) Traffic Committee; and (k) Troy Daze Committee**

Resolution #2001-12-580

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That the following persons are hereby appointed by the City Council to serve on the Boards and Committees as indicated:

(i) Planning Commission

Mayor, Council Approval

Wayne C. Wright Term Expires 12-31-2004

Larry Littman Term Expires 12-31-2004

Yes: All-7

**Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting  
Agenda Scheduled for December 17, 2001:**

(a) Advisory Committee for Persons with Disabilities Council Appointment

\_\_\_\_\_ Term Expires 12-01-2003 (Alternate)

\_\_\_\_\_ Term Expires 12-01-2004

\_\_\_\_\_ Term Expires 12-01-2004

(b) Board of Canvassers Council Approval

\_\_\_\_\_ Unexpired Term Expires 12-31-2003

\_\_\_\_\_ Term Expires 12-31-2005

\_\_\_\_\_ Term Expires 12-31-2005

(c) Downtown Development Authority Mayor, Council Approval

\_\_\_\_\_ Term Expires 09-30-2005

(d) Election Commission Council Appointment

\_\_\_\_\_ Term Expires \*01-31-2003

\_\_\_\_\_ Term Expires \*01-31-2003

**\*Note:** Pursuant to Section 7.13 - Election Commission of the Troy City Charter “. . . two members shall be appointed by the council annually in January for a term of one year.”

(e) Historic District Commission Council Appointment

\_\_\_\_\_ Term Expires 03-01-2004

(f) Historical Commission Council Appointment

\_\_\_\_\_ Student Rep Term Expires 07-01-2002

\_\_\_\_\_ Term Expires 07-31-2004

(g) Library Committee Council Appointment

\_\_\_\_\_ Student Rep Term Expires 07-01-2002

(h) Liquor Committee Council Appointment

\_\_\_\_\_ Student Rep Term Expires 07-01-2002

(i) Planning Commission Mayor, Council Approval

\_\_\_\_\_ Term Expires 12-31-2004

(j) Traffic Committee Council Appointment

\_\_\_\_\_ Student Rep Term Expires 07-01-2002

(k) Troy Daze Committee Council Appointment

\_\_\_\_\_ Student Rep Term Expires 07-01-2002

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**F-2 Closed Session**

Resolution #2001-12-581

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Sections (d): and MCLA 15.268, (e) and (h) Troy v. Papadelis; MCL 15.243 (g), after adjournment of this meeting.

Yes: Pallotta, Schilling, Pryor, Beltramini, Kaszubski, Lambert

No: Howrylak

**MOTION CARRIED**

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**F-3 Janitorial Services – Addition of the Fire/Police Training Center – Clean Care, Resolution #2000-471**

Resolution #2001-12-582

Moved by Pallotta

Seconded by Kaszubski

WHEREAS, A two-year contract for janitorial services with an option to renew for two additional years was awarded to Clean Care of Oak Park, the low bidder, on October 16, 2000, (Resolution #2000-471); and

WHEREAS, The contract contained a provision to negotiate the addition of buildings under construction into the contract as the buildings went into service; and

WHEREAS, The cost of \$.13 per sq. ft. for the Police/Fire Training Center is found to be within the range paid for other buildings currently cleaned by Clean Care;

NOW, THEREFORE, BE IT RESOLVED, That Resolution #2000-471 is hereby amended to add the Police/Fire Training Center to the Janitorial Services contract with Clean Care of Oak Park at a monthly cost of \$875.00 or \$10,500.00 per year.

Yes: All-7

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**F-4 Bid Waiver – Bus Rental for Downhill Ski Program**

Resolution #2001-12-583

Moved by Pallotta

Seconded by Kaszubski

WHEREAS, A market comparison has been conducted for bus rental for the Parks and Recreation Department 2001-02 Downhill Ski Program; and

WHEREAS, It has been determined that the Troy School buses meet the Parks and Recreation Department's restrictions regarding cancellation notice, and the buses are available on both Friday and Saturday; and

WHEREAS, It is the determination of the City Manager and City Council of the City of Troy that no benefit would result to the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract to provide bus rental for nineteen, 66-passenger buses, for five consecutive weeks, for the Parks and Recreation Department 2001-02 Downhill Ski Program is hereby awarded to the Troy Schools at a unit cost of not more than \$319.19 (Friday) and \$380.88 (Saturday) with the total award not to exceed \$33,000.00.

Yes: All-7

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**F-5 Conference Room Renovation – Upper Level**

Resolution #2001-12-584

Moved by Pallotta

Seconded by Schilling

RESOLVED, The City Staff is authorized to renovate the Upper Level Conference Room at an estimated cost of \$96,100.00 in accordance with Appendix B, Detailed Cost Estimates.

Yes: Beltramini, Kaszubski, Pallotta, Schilling, Pryor

No: Howrylak, Lambert

**MOTION CARRIED**

**RECESS: 9:17 PM – 9:34 PM**

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**F-6 Contract Ratification – Troy Police Officers Association**

Resolution #2001-12-585

Moved by Pallotta

Seconded by Schilling

RESOLVED, That a collective bargaining agreement between the City of Troy and Troy Police Officers Association (TPOA) for the period July 1, 2001 through June 30, 2005 is hereby ratified by the City Council of the City of Troy, the Employer, and the Mayor and City Clerk are authorized to execute the final agreement.

Yes: All-7

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**F-7 Additional Funds for Troy Medi-Go Plus**

Resolution #2001-12-

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the City Council of the City of Troy does hereby authorize additional funding in the amount of \$60,000.00 for Troy Medi-Go Plus for fiscal year 2001/2002.

**Vote on Amendment**

Resolution #2001-12-586

Moved by Howrylak

Seconded by Pryor

RESOLVED, That the authorized amount of the additional funding be amended to \$25,000 and that the purchase of the van and 100% funding be placed on the Budget Study Session Agenda for additional discussion.

Yes: Pryor, Beltramini, Howrylak

No: Kaszubski, Lambert, Pallotta, Schilling

**MOTION FAILED**

**Vote on Original Main Motion**

Resolution #2001-12-587

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the City Council of the City of Troy does hereby authorize additional funding in the amount of \$60,000.00 for Troy Medi-Go Plus for fiscal year 2001/2002.

Yes: All-7

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**F-8 Council Rules of Procedures and Guidelines for Proposed Wetlands, and Natural Features Ordinances Public Hearing**

Resolution #2001-12-588

Moved by Schilling

Seconded by Howrylak

RESOLVED, That Council Rule 15 is hereby suspended to allow for additional amended visitor participation for the Proposed Wetlands, and Natural Features Ordinances Public Hearing scheduled for January 15, and 16, 2002.

Yes: All-7

Resolution #2001-12-589

Moved by Schilling

Seconded by Howrylak

RESOLVED, That Council Rule 15 is hereby amended for the Proposed Wetlands, and Natural Features Ordinance Public Hearing to incorporate 2, 3 and 4 as follows:

- 2) Mayor ProTem/Council Member Kaszubski shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.
- 3) Audience participation will be restricted to allow for participation from the individuals listed on the waiting list from the October 9, 2001 Public Hearing prior to all other visitors present wishing to make public comment (A listing of the individuals on the carry-over list will be attached to the January 15, 2002 Public Hearing Agenda).
- 4) If a continuance of the Public Hearing is necessary, public comments on January 16, 2002 will be restricted to individuals present at the Public Hearing of January 15, 2002 who were unable to address Council due to time limitations and have placed their name on the carry-over list of participants for the Public Hearing of January 16th.

Yes: All-7

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**F-9 Parks and Recreation Advisory Board, Chapter 27 City Code**

Resolution #2001-12-590

Moved by Pallotta

Seconded by Schilling

RESOLVED, That an Ordinance to amend Chapter 27 of the Code of the City of Troy is hereby approved and a copy shall be attached to the original Minutes of this meeting.

Yes: Kaszubski, Pallotta, Schilling

No: Pryor, Beltramini, Howrylak, Lambert

### **MOTION FAILED**

#### **Proposed Amendment**

Resolution #2001-12-591

Moved by Lambert

Seconded by Beltramini

RESOLVED, That an Ordinance to amend Chapter 27 of the Code of the City of Troy is hereby approved as provided with the following amendments to Section 1: Striking the number "nine" and inserting the number "ten" prior to the word "members" on the first line and striking the number "six" and inserting the number "seven" prior to the word "at-large" on the sixth line on the agenda submittal, a copy of the original ordinance shall be attached to the original Minutes of this meeting.

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Schilling

No: Pallotta

### **MOTION CARRIED**

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#### **F-10 Approval of an Informal Quotation Procedure for the Trimble Upgrade in Lieu of Formal Bidding**

Resolution #2001-12-592

Moved by Pallotta

Seconded by Schilling

WHEREAS, Research was conducted to find a GPS and Total Station System and prices were obtained from the finalists and they are Michigan Survey Supply, G. Lengemann Co. and Leica.

WHEREAS, The Trimble units are found to be superior and the lowest price based upon similar federal pricing.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and the City Council gives approval to purchase one Trimble 5603 Autolock W/Direct Reflex EDM Total Station System from Michigan Surveyors Supply, Lansing, MI for \$16,985.00 and to purchase two Trimble 5700 GPS Receivers from G. Lengemann Co., Niles, MI for \$28,161.00.

The purchase price of both the Total Station and GPS Units include the poles, cables, brackets, software, batters, training, warranty and setup.

Yes: All-7

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**F-11 RFP for Economic Feasibility for a Conference Center and Related Elements for the Civic Center Site**

Resolution #2001-12-593

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That Troy City Council awards the contract for an economic Feasibility Study for the conference center and selected elements on the Civic Center site to Hospitality Advisors Consulting Group of Ann Arbor, in accordance with their proposal dated November 14, 2001 for a sum not to exceed \$29,400.00.

Yes: Kaszubski, Lambert, Pallotta, Schilling, Pryor, Beltramini

No: Howrylak

**MOTION CARRIED**

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**F-12 Amendments to Chapter 16, Section 2.19 Composting 5 (b)**

The ordinance amendment to Chapter 16, Section 2.19 was referred to staff for additional review and is to be returned to City Council at their next Regular meeting for consideration.

**COUNCIL COMMENTS/REFERRALS****Schedule an Executive Session – City Manager Evaluation**

Resolution #2001-12-594

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That an Executive Session be set for January 8, 2002, at 7:30 PM in Lower Level Conference Room of Troy City Hall to discuss the City Manager's Evaluation.

Yes: All-7



**Suspend City Council Rules and Continue with Agenda**

Resolution #2001-12-595

Moved by Howrylak

Seconded by Lambert

RESOLVED, That the City Council suspend the Rules of Procedure #19 and continue discussion on Agenda items to 11:45 PM.

Yes: All-7

**VISITORS****REPORTS AND COMMUNICATIONS**

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**G-1 Proposed City of Troy Proclamations:**

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**G-2 Minutes – Boards and Committees:**

- (a) Liquor Advisory Committee Minutes/Final – October 8, 2001
- (b) Employees' Retirement System Board of Trustees/Final – October 10, 2001
- (c) Board of Zoning Appeals/Final – October 16, 2001
- (d) Planning Commission Special Meeting/Final – October 23, 2001
- (e) Advisory Committee for Senior Citizens/Draft – November 1, 2001
- (f) Advisory Committee for Persons with Disabilities/Draft – November 7, 2001
- (g) Building Code Board of Appeals/Draft – November 7, 2001
- (h) Employees' Retirement System Board of Trustees/Draft – November 14, 2001
- (i) Charter Revision Committee/Draft – November 20, 2001

Noted and Filed

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**G-3 Department Reports:**

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**G-4 Announcement of Public Hearings:**

- (a) Request for Rezoning From Cordell Craig on Behalf of C-4 Motion, Inc. – Section 28 – From B-2 to H-S – Scheduled for December 17, 2001
- (b) Request for Rezoning From Burton-Katzman Development Company – Section 21 – from R-C to O-S-C – Scheduled for December 17, 2001

Noted and Filed

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**G-5 Proposed Proclamations/Resolutions from Other Organizations:**

**G-6 Letters of Appreciation:**

- (a) Thank You from Iva M. Shambarger to Carla Vaughn, Senior Director, Regarding the "Free Leaf Clean-Up for Seniors"
- (b) E-Mail Advising that Theodore Diamond Visited the DPW to Compliment and Thank the Water Department for the Professional and Well Done Repair Job Done on His Property
- (c) Letter From Rosemary Kornacki - Chair, Troy Museum and Historic Village to Mayor Pryor and City Council Members in Appreciation of the Fine Job of Lorraine Campbell as Acting Museum Director
- (d) Letter from Tony DeFilippis to Bill Need in Recognition of DPW Staff Members Tom Rosewarne and Tim Richnak

Noted and Filed

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**G-7 Calendar**

Noted and Filed

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**G-8 City of Troy v. Chuinard-Hoose, Et Al (4174 Livernois)**

Noted and Filed

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**G-9 Changing Election Dates**

Noted and Filed

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**G-10 Concession Stand Operations Report**

Noted and Filed

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**G-11 Proposed Conceptual Schemes for the North Side Access to Police Department****Schedule a Study Session – Proposed Conceptual Schemes for the North Side Access to Police Department**

Resolution #2001-12-596

Moved by Beltramini

Seconded by Kaszubski

RESOLVED, That a Study Session be set for January 8, 2002, at 8:30 PM in Lower Level Conference Room of Troy City Hall to discuss the Police and Fire North Side Access to Police Department.

Yes: All-7

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**G-12 Additional Sturgis Drain Modeling of the Sturgis Drain Suggested by Mr. Michael Kochanski**

Noted and Filed

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**G-13 Voluntary Stormwater Permit Certificate of Coverage and Resolution in Support of Troy's Stormwater Pollution Prevention Initiative**

Noted and Filed

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**G-14 Precluding Enactment of Pension for Council**

Noted and Filed

---

**G-15 Ballot Language for Bond Issuance (Natural Features)**

Noted and Filed

---

**G-16 Fetterly Drain and the Proposed Oak Forest Subdivision**

Noted and Filed

---

**G-17 LinkMichigan Regional Telecommunications Planning Program**

Noted and Filed

---

**G-18 Equalizer Presentation**

Staff would like to make a 10-minute presentation to City Council. The presentation will highlight the benefits of the Equalizer received by both the citizens and City staff.

Carry Over Item to the Beginning of the December 17, 2001 Agenda

The meeting adjourned at 11:32 P.M.

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Matt Pryor, Mayor

---

Tonni L. Bartholomew, City Clerk

DATE: December 12, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Lori Grigg Bluhm, City Attorney  
Mark Stimac, Director of Building and Zoning

SUBJECT: Continuation of Public Hearing  
Parking Variance Request  
1477 John R

At the City Council meeting of November 19, 2001, a public hearing was held regarding a parking variance request for the Mario's Restaurant at 1477 John R. That public hearing was continued to your meeting of December 17, 2001. At issue in the variance request is whether the petitioner can count parking spaces that he leases on the adjacent property when the Zoning Ordinance requires that the spaces be on the same site as the building that they are intending to serve. The additional spaces were being required because of a proposal to construct an outdoor seating area, thereby increasing the seating capacity of the restaurant.

We have now received, and attached for your reference, a proposed revised lease agreement with the industrial property to the south of the restaurant. This agreement has yet to be executed by the owners of the property. It does, however, address some concerns that staff had with the old agreement. The new agreement gives the restaurant owner the right to construct the additional parking spaces on the industrial site where the old agreement had no provisions for how the additional spaces would be provided. The new agreement also has added a notification requirement to future purchasers of the industrial property so that they would be aware of this lease arrangement. With these changes staff believes that this lease arrangement, if renewed on a yearly basis, provides a reasonable level of assurance that the required parking spaces will be available for the restaurant's use.

In addition the petitioner has revised the site plan so that a total of 199 parking spaces will be constructed and available on the combined restaurant/industrial site. This provides in excess of the total 188 required parking without any use of the property on Maple Road, currently occupied by the watch shop. The plan allows for the continuation of the current parking layout and separation on that adjacent property.

Staff has prepared for your review suggested resolution language with stipulations that staff believes are appropriate to insure that the lease agreement and plans are properly implemented. As noted previously, this proposal will still require action by the Board of Zoning Appeals on a question of front setbacks to the structures in the outdoor dining area as well as another appearance before City Council for approval of the outdoor dining area and the expanded liquor license.

We will be happy to answer any questions that you may have regarding this matter.

PARKING VARIANCE APPLICATION **RECEIVED**  
FOR PUBLIC HEARING BEFORE CITY COUNCIL  
CITY OF TROY

OCT 29 2001

BUILDING  
DEPARTMENT

TO TROY CITY COUNCIL

DATE: 10-29-01

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: David Donnellon Phone: (248) 244-2990

Address: 2151 Livernois, Suite 100, Troy, MI 48083

Address of Property: 1477 John R

Lot # Subdivision:

Zoning District: B-3 Sidwell # 20-35-226-096

Owner of Property: Vince Passalacqua Phone: (248) 588-6000

Address: 1477 John R, Troy, MI 48083

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 10-23-01

Has there been a previous appeal involving this property? <sup>not</sup> sure If Yes, state date

and particulars

**REASON FOR VARIANCE:**

Dimension of Stall?

Parking Spaces Required: 129

Number of Stalls?

Parking Spaces Provided: 81

Other Dimensions?

Variance Requested: 48

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

Application for Parking Variance

-2

The Owner is requesting a variance for parking to meet the parking requirements of the proposed use for outdoor dining. Section 40.20.02 of the Zoning Ordinance requires parking on the same site. The parking is easily met with 74 additional spaces on adjacent sites. The additional parking will be constructed on the adjacent property and the additional parking, under a perpetual lease, will be in excess of the parking requirements of the adjacent uses.

Mario's Restaurant is surrounded by properties that are occupied by other buildings with other uses. There isn't any property to purchase. It is an extreme hardship to expand the property for more parking. The use of adjacent property for parking during off-hours is much more reasonable and logical.

The Owner, Vince Passalacqua, is very interested in improving the quality of the restaurant and the quality of the neighborhood with a variety of dining experiences. The John R and Maple Road area needs to be revitalized. Improvements are beginning to occur and Mario's can make a big contribution to the aesthetics of the area as well as breathing new life and vitality to the business environment. Outdoor dining will be more aesthetically pleasing than just new landscaping. Outdoor dining will give the business people in the area more options for fine dining. The parking agreements for extra spaces and spaces not readily utilized after 5 p.m. by existing business will make it easy to function without any of the burdens of creating additional traffic congestion.

**PLOT PLAN OF SITE ATTACHED HERETO**

STATE OF MICHIGAN )

COUNTY OF Oakland )

I HEREBY DESPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 10-29-01

  
(Signature of Applicant)

Signed and Sworn to before me this 29th day of Oct 1901

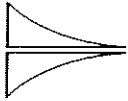
Patricia A. Gladys  
Notary Public Macomb - Acting in Oakland

My Commission Expires: 3-18-04

Filing Fee \$200.00

Date Paid

10-29-01



DONNELLON • SWARTHOUT • ASSOCIATES • INC.

ARCHITECTS AND PLANNERS

December 12, 2001

Council Members  
Troy City Council  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

Dear Members of the Council:

Re: Parking Variance  
Mario's Restaurant

Vince Passalacqua has asked me to assist him in obtaining a parking variance for expanded outdoor dining for Mario's Restaurant. There are agreements between Mario's Restaurant and property to the south and to the north to share parking. The parking analysis that is attached to this letter shows that Mario's Restaurant needs 129 parking spaces for the expanded outdoor dining. Mr. Passalacqua anticipates needing the additional parking after 5:00 p.m. to accommodate his business promotional activities featuring the outdoor dining experience and some indoor entertainment such as a variety of quartets. The featured music includes classical, easy listening, soft rock, ethnic, etc. that would be most acceptable to the patrons of his renowned Italian cuisine.

The parking analysis shows that there will be sufficient parking to accommodate more than the total parking for both Mario's and the industrial property to the south. Mario's needs 129 spaces. The industrial use needs 59 spaces. This adds up to 188 required spaces. The total potential parking that can be developed on both sites is 199 spaces. As a result, the parking agreement with the parcel to the north does not have to be considered at this time and the variance that needs to be considered is whether or not improving and using parking on the industrial parcel to the south is a permitted business enhancement activity.



Troy City Council  
Page 2  
December 12, 2001

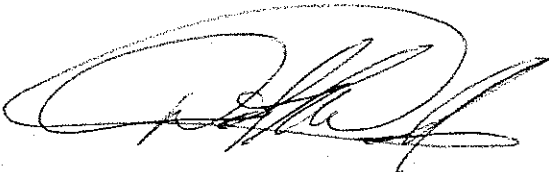
The enclosed lease agreement addresses the concerns of the Building Department and the City Attorney's office. The agreement addresses heirs and assigns, the right to improve and maintain the parking area, etc. The City Council needs to make the variance subject to annual notification of the Building Department that the lease will be extended. If the lease is not extended, it means the parking is not needed. If the parking is not needed it must mean the crowds are smaller. As a result, the number of chairs can be reduced both inside and/or outside the restaurant to match the parking available.

This request, therefore, makes sense as a business prepares to grow in an area that needs revitalization. Vince Passalacqua and I hope you agree.

If any Council Member has any questions regarding this subject, please feel free to call me.

Sincerely,

DONNELLON SWARTHOUT ASSOCIATES, INC.

A handwritten signature in dark ink, appearing to read 'David Donnellon', with a large, stylized flourish at the end.

David Donnellon, AIA, AICP

jd

Enclosure

cc Building Department

**LEASE AGREEMENT MARIO'S OF TROY AND TIMED PROPERTIES**

This document evidences an agreement between Mario's of Troy, Inc.,, its heirs, legal representatives, executors, administrators, successors and assigns hereinafter referred to as lessee or tenant, and Timed Properties, hereinafter referred to as lessor. Lessor hereby agrees to lease sixty-three (63) parking places at:

(PUT IN LEGAL DESCRIPTION)

commonly known as 1419 John R in Troy, Michigan

for the consideration of ninety-nine dollars (\$99.00) per month. The lease shall be effective on April 1, 2001 and shall terminate on March 31, 2002. The lease will allow the customers of the tenant to use said parking spaces from 3 p.m. until 1 a.m. during the time that the lease is in effect.

**Option to Renew.** The tenant will have an option to renew the lease for the identical consideration upon the expiration of this lease. The renewed lease will be in effect for this additional year with the tenant to have the option to renew the lease again upon identical terms as contained in the lease herein for the next additional year. This arrangement shall continue until the tenant does not renew the lease. The

lease shall be considered to be renewed each year as stated above upon a tender by the tenant to the landlord of a written lease substantially incorporating the terms contained herein, time not being of the essence. The consideration for the option to renew the lease is one dollar (\$1.00) per month for each month that the lease is in effect.

Reasonable Repair & Other Rights. The lessee will keep the leased parking area in reasonable repair, absent normal wear and tear. The tenant will hold the landlord harmless from any claims arising from the use of the leased spaces during the time that such spaces are used by customers of the tenant.

The lessee will furthermore have the right to expand the parking area upon land owned by the landlord that is adjacent to the spaces leased by the lessee. The right to expand the parking area will be limited to the number of spaces required of Mario's of Troy by the City of Troy or the Michigan Liquor Control Commission in order to maintain an adequate number of parking spaces to comply with liquor license requirements. Any such expansion will be performed at the sole expense of the tenant. In the event that there is an increase in the taxes owed to any public entity by the landlord as the result of the improvements made to the landlord's property by the tenant, such increase shall be the financial responsibility of the tenant until such time as the lease or any lease in existence as the result of the exercise of the option to renew contained herein, is in effect.

In the event that the landlord sells the property and obtains additional sums as the result of the improvements made by the tenant, such an increase in the value of the property shall inure to the benefit of the landlord.

Notice to Purchasers. The landlord acknowledges that this lease shall run with the property and hereby gives permission to the tenant to file this lease with the Oakland County Register of Deeds.

\_\_\_\_\_  
Mario's of Troy, Inc.  
By: Vincent Passalacqua

Dated:

\_\_\_\_\_  
Timed Properties  
By:

Dated:





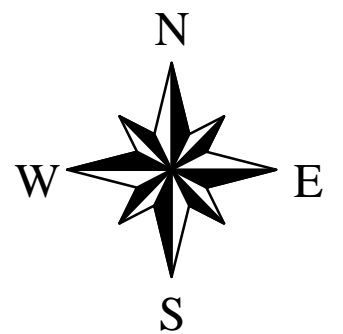
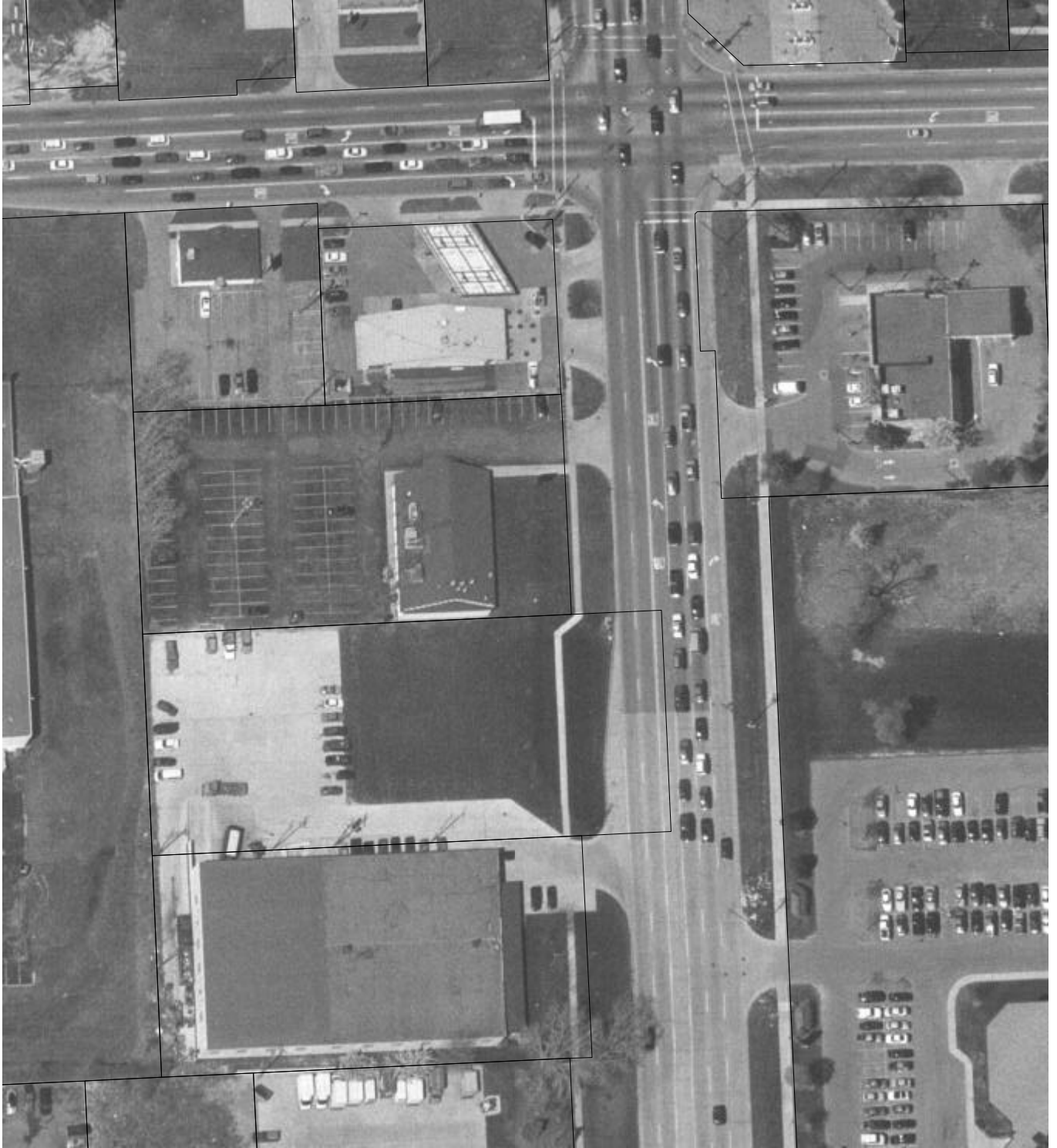
**PARKING ANALYSIS  
MARIO'S RESTAURANT  
11-19-01**

<u>USE</u>	<u>REQUIRED PARKING</u>	<u>EXISTING PARKING</u>	<u>ADDITIONAL PARKING</u>	<u>PROPOSED PARKING</u>	<u>MARIO'S USE</u>
Mario's Restaurant					
B-3 General Business					
1 space/2 persons for patrons					
1 space/10 patrons for employees	129 <sup>1</sup>	79	3	82	82
Industrial Building at 1419 John R					
24,000 SF					
1 space/450 gross floor area	59	59	58	117	63
Jewelry Store 1500 SF					
1 space/200 gross floor area	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>Not Needed<sup>2</sup></u>
	188	138	61	199	145 <sup>3</sup>

<sup>1</sup> These 129 parking spaces are necessary to meet the outdoor and indoor dining requirements for Mario's Restaurant per the letter from the City of Troy Building Department dated 10-13-01

<sup>2</sup> Though there is a cross-access parking agreement between parcels A and C, the potential additional parking on parcel C is not needed to meet the parking requirements for the proposed outdoor dining facility at Mario's Restaurant.

<sup>3</sup> The 145 total parking spaces available to Mario's Restaurant is more than adequate to meet the parking requirements for outdoor dining and still have sufficient parking for parcel B.





December 6, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Jeanette Bennett, Purchasing Director  
Charles T. Craft, Chief of Police

Subject: Public Hearing - Local Law Enforcement Block Grant  
Standard Purchasing Resolution 4: State Of Michigan Extended  
Purchasing Program Award  
Automatic External Defibrillators (AED's)

### **BACKGROUND**

A public hearing regarding the acceptance of a Local Law Enforcement Block Grant (LLEBG) is scheduled for the December 17, 2001, City Council meeting. The grant provides \$30,964, with a city match of \$3,404, and must be used to provide enhanced police service.

The Police Department has submitted a plan to utilize the money to purchase additional automatic external defibrillators (AED's). An AED is a device used to treat victims of cardiac arrest. The AED analyzes the condition of a cardiac arrest victim, advises the operator whether or not defibrillation is necessary, delivers an electric shock to victims requiring defibrillation, and analyzes the effectiveness of the shock.

Currently, the department has 12 AED's (also purchased via a LLEBG), 10 of which are assigned to patrol units. It is anticipated that the AED's purchased under this grant will allow the department to equip all on-duty patrol personnel with an AED. All sworn and uniform personnel are trained in AED operation.

As required by the grant, a advisory board consisting of representatives from the Law Department, 52-4 District Court, Troy School District, and Troy Community Coalition, met and reviewed the plan. The advisory board unanimously agreed with the plan and approved it. Upon acceptance of the grant the Department has two years to expend the funds.

### **RECOMMENDATION**

It is recommended that the LLEBG grant be accepted.

The Police Department further recommends a contract be approved to purchase ten (10) Heartstart FR-2 defibrillators from the Laerdal Corporation at an estimated cost \$34,368 through the State of Michigan Extended Purchasing Program (contract #071B0000531). The Laerdal FR-2 defibrillator is the same unit the Police Department, Fire Department and Park & Recreation Department currently have in use.

To: The Honorable Mayor and City Council  
Re: Automatic External Defibrillators (AED's)

### **STATE OF MICHIGAN'S SELECTION PROCESS**

Under the State contract, a Joint Evaluation Committee (JEC) and a panel of physicians recommended the award of the Heartstart FR-2 Biphasic Defibrillator. The JEC determined the Heartstart was the most user friendly, provided exceptionally clear visual and auditory prompts, and was lightweight and compact. Additionally, a second back-up battery is provided with the Heartstart unit, and the JEC believed it to be the most resistant to water and contamination. The Heartstart is the only defibrillator of the three considered that permits constant monitoring for a shock able rhythm instead of at preset limits that only allow monitoring at certain intervals.

Finally, the Heartstart defibrillator is the only unit that can serve as an independent training device. The Heartstart FR-2 delivers first and successive shocks at the same 150-jewel level. Other manufacturers employ escalating shock levels, operating under the principle that if 200 jewels are not enough 300 jewels is better. The JEC concluded the scientific support for a specific defibrillation energy protocol was inconclusive and did not use it as a determinant for their recommendation.

### **BUDGET INFORMATION**

A budget amendment is forthcoming which will recognize the receipt of the grant funds and the associated expenditures.

December 11, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING – PROPOSED REZONING (Z-674) – North side of  
Maple, West of Livernois, Section 28, B-2 to H-S

C-4 Motion submitted a rezoning request for a 0.7343 acre/31,984 square feet parcel located on the north side of Maple and west of Livernois. Current zoning classification is B-2 Community Business and the proposed zoning classification is H-S Highway Service. Subject property has 60 feet of frontage on Maple and is 533 feet deep, which its shape and size limit the potential development capabilities. The petitioner states the intent to utilize the subject property as an exterior auto wash.

The subject property is currently vacant. The adjacent land uses include: the detention area for the industrial buildings to the north, Maple Road and residential development in the City of Clawson to the south, Thunderbird Lanes Bowling Alley to the west, and a small medical office building to the east and the detention area for Hidden Meadows Residential Development to the northeast.

Current Master Land Use Plan designation for the subject property appears to be Non-Center Commercial, although it is clearly at the border with Light Industrial. The adjacent land use designations include: Medium Density Residential to the north, a Major Thoroughfare and the City of Clawson to the south, Light Industrial to the west, and Non-Center Commercial to the east.

Current zoning district classification of the subject property is B-2 Community Business. The adjacent zoning district classifications include: M-1 Light Industrial to the north and west, the City of Clawson to the south, B-2 Community Business to the east and R-1E One Family Residential to the northeast.

Section 23.40.00/01/02/03 of the Zoning Ordinance states that the H-S Highway Service District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Plan and policies related thereto, or with other land use policies of the City, and therefore, on a limited basis, may involve the following types of areas:

Proposed Rezoning  
North side of Maple, West of Livernois  
Section 28, B-2 to H-S

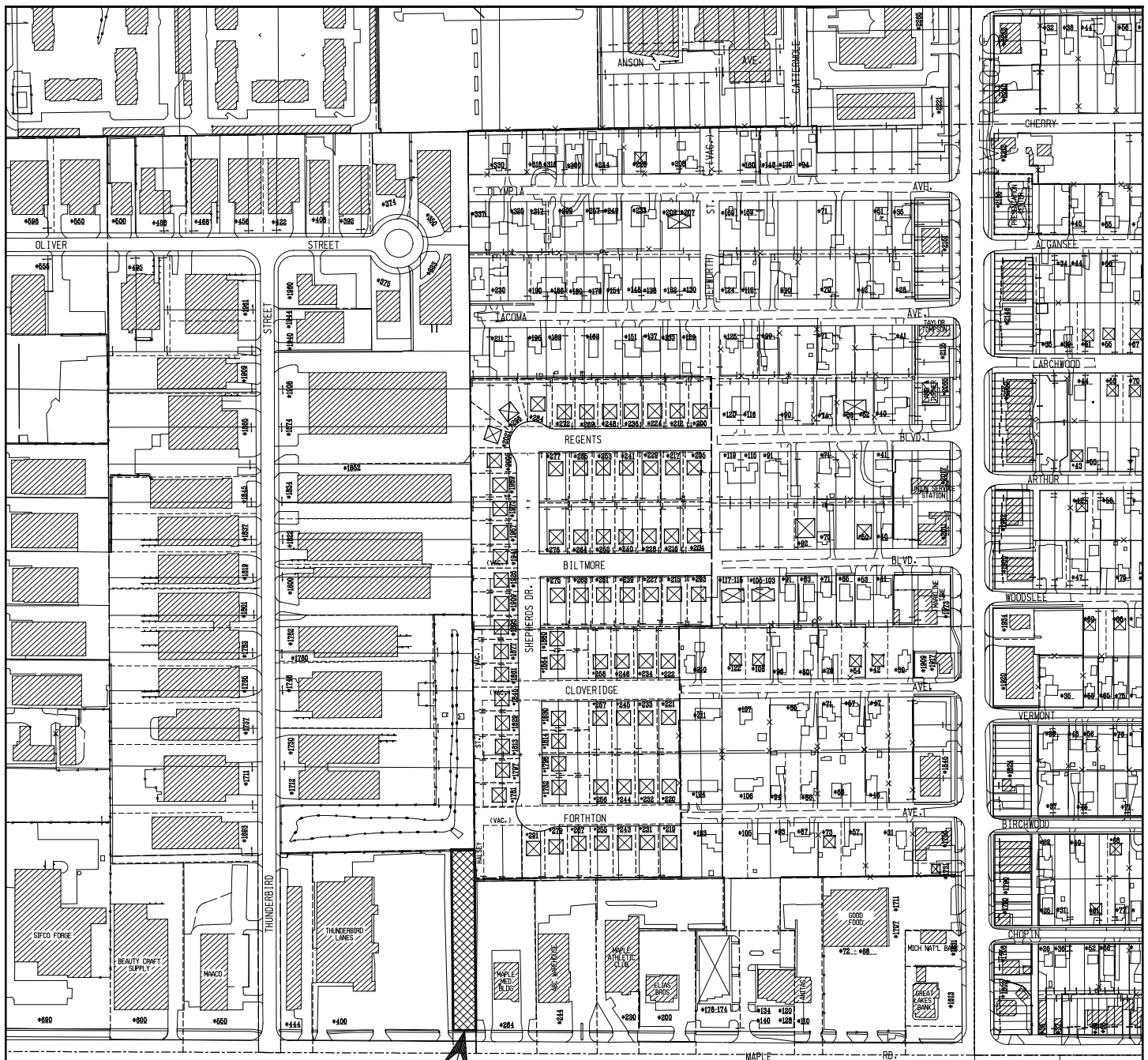
1. Areas indicated on the Master Land Use Plan for Non-Center Commercial use.
2. Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

The proposed rezoning appears to be consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. At their November 13, 2001 regular meeting, the Planning Commission recommended approval of the subject rezoning request (minutes enclosed). Based upon these findings, City Management recommends approval of the subject rezoning request.

Enclosures

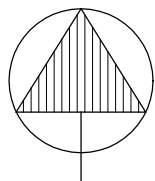
Copies: Mark Stimac, Director of Building and Zoning  
Steve Vandette, City Engineer  
Petitioner, C-4 Motion  
File/Z-674  
File/Correspondence

MFM/dav



REZONING REQUEST  
From B-2 To H-S

CITY OF CLAWSON



NORTH



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION,  
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
ON SITE OR LAYOUT OF STRUCTURES



- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION,  
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
ON SITE OR LAYOUT OF STRUCTURES



5. PUBLIC HEARING – PROPOSED REZONING (Z-674) – North side of Maple, West of Livernois, Section 28, B-2 to H-S

Mr. Miller stated that C-4 Motion, Inc. submitted a rezoning request for a 0.7343 acre/31,984 square feet parcel located on the north side of Maple and west of Livernois. Current zoning classification is B-2 Community Business and the proposed zoning classification is H-S Highway Service. Subject property has 60 feet of frontage on Maple and is 533 feet deep, which its shape and size limit the potential development capabilities. The petitioner states the intent to utilize the subject property as an exterior auto wash.

Mr. Miller further stated that the property is currently vacant. The adjacent land uses include: the detention area for the industrial buildings to the north, Maple Road and residential development in the City of Clawson to the south, Thunderbird Lanes Bowling Alley to the west, and a small medical office building to the east and the detention area for Hidden Meadows Residential Development to the northeast.

Mr. Miller further stated that the current Master Land Use Plan designation for the subject property appears to be Non-Center Commercial, although it is clearly at the border with Light Industrial. The adjacent land use designations include: Medium Density Residential to the north, a Major Thoroughfare and the City of Clawson to the south, Light Industrial to the west, and Non-Center Commercial to the east.

Mr. Miller further stated that the current zoning district classification of the subject property is B-2 Community Business. The adjacent zoning district classifications include: M-1 Light Industrial to the north and west, the City of Clawson to the south, B-2 Community Business to the east and R-1E One Family Residential to the northeast.

Mr. Miller further stated that Section 23.40.00/01/02/03 of the Zoning Ordinance states that the H-S Highway Service District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Plan and policies related thereto, or with other land use policies of the City, and therefore, on a limited basis, may involve the following types of areas:

1. Areas indicated on the Master Land Use Plan for Non-Center Commercial use.
2. Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

Mr. Miller concluded stating that the proposed rezoning appears to be consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. Based upon these findings, the Planning Department recommends approval of the subject rezoning request.

Mr. Littman asked if we notified Clawson of this request.

Mr. Miller answered yes and that there was no reply.

Mr. Waller stated that if it is considered light industrial, why can't the car wash be B-2 and they could then sell gas.

Mr. Miller answered no, auto washes are only permitted within the H-S zoning district, subject to Special Use Approval.

Mr. Cordell Craig, petitioner, stated that the use for this property is limited to a small building with incoming lanes and escape lanes. The conceptual site plan meets all requirements and he felt that this would be an excellent location for a car wash. There are no gas pumps proposed and there is absolutely no room for gas pumps.

Mr. Wright asked the petitioner if it is favorable for a car wash that doesn't sell gas.

Mr. Craig replied yes.

Mr. Waller stated that this building would be oriented towards Maple Road with no structure towards the north east where there is existing residential area.

Mr. Craig stated that the front yard setback is approximately 96 feet and the closest the building would be to any of the homes is approximately 1,000 feet.

Public Hearing was opened.

Ms. Moore, 6825 Dixie Highway, stated she was an attorney representing Thunderbird Lanes. That Thunderbird Lanes had several objections to the subject zoning request being granted. Further she stated that the Thunderbird Lanes is a B-2 use and is within the M-1 Light Industrial District. She stated that by granting this zoning request, the B-2 character is being changed. Further, she stated that this property originally belonged to Thunderbird Lanes and when Thunderbird Lanes sold this property, a deed restriction was imposed agreeing that this parcel of land would become an access road. They asked for the request to be denied.

Mr. Chamberlain asked the petitioner if there were any deed restrictions on this property.

Mr. Craig replied no.

Mr. Clifford J. Dovitz, 27950 Orchard Lake Road, stated he sent a letter of objection and that he, along with the Maple Medical Associates, object to this rezoning request. He stated that they think it is out of character and there are other uses permitted in the H-S classification besides an exterior auto wash. An exterior auto wash seems to be totally out of character next to a medical building and spot zoning is not permissible.

Mr. Dovitz further stated that there is a rather large subdivision bordering this property and with the nature of the proposed use and the amount of traffic, the property would not only be out of character, but also a concern for the safety and welfare of the people using Maple Road and the homeowners. It is inappropriate to rezone this small piece of property to H-S.



Public Hearing was closed.

Mr. Starr asked what is Thunderbird Lanes zoning.

Mr. Miller replied it was M-1 Light Industrial.

Mr. Starr asked if we were to recommend this subject zoning request, Thunderbird Lanes could then go ahead and request rezoning to B-2.

Mr. Miller replied yes, they could request a rezoning.

Mr. Kramer asked for some examples of uses permitted in the B-2 zoning district.

Mr. Miller answered bakery, grocery, etc.

Mr. Kramer stated uses like a pizza parlor or a 24 hour 7-11 is permitted.

Mr. Miller replied yes and B-2 would also permit a showroom or work shop use.

Mr. Kramer stated that an 18 foot wide 7-11 or a 2½ lane bowling alley, is it really feasible.

Mr. Storrs commented that a sixty (60) foot width of the property limits what could be built. You couldn't use a B-2 district and conform to the setbacks.

Mr. Kramer commented that in the district, auto washes are a Special Use and the Planning Commission can require conditions.

Mr. Miller commented yes, conditions could be applied to Special Uses.

Mr. Chamberlain stated that if H-S is literally spot zoning and that's the way it works, that could help in our decision.

Mr. Storrs commented that the subject property was alleged to be an access road to the condominium complex.

Mr. Kramer commented that additional restrictions or conditions could be used if we had a H-S Special Use Request.

Mr. Miller replied under Special Use you are permitted to apply special conditions.

Mr. Keoleian asked about setbacks.

Mr. Craig answered setbacks were in place on the conceptual site plan.

Mr. Reece stated he was concerned with the land being sold with deed restrictions. How does a property have two (2) deed restrictions and then have them removed?

Mr. Craig, petitioner, replied if there are deed restrictions, please show them to him because he is not aware of any deed restrictions.

Mr. Kramer asked why should we approve rezoning if there are deed restrictions.

Mr. Chamberlain stated that if someone protests because of deed restrictions, it makes no difference whether it is B-2 or H-S. It is a mute point. We are looking at a rezoning issue.

Mr. Littman stated somebody owns this land. He was not sure what else you could build on this parcel.

Mr. Storrs asked if there is enough room on the subject property to permit any other uses.

Mr. Miller stated if the property stands alone, not much really fits, except an auto wash.

## RESOLUTION

Moved by: Littman

Seconded by: Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the B-2 to H-S rezoning request of a 0.7343 acre/31,984 square feet parcel of land located on the located north of Maple and west of Livernois, be granted subject to the following condition: That the question of deed restrictions be resolved prior to the City Council public hearing.

### Yeas

Storrs  
Chamberlain  
Reece  
Wright  
Littman  
Waller  
Starr

### Nays

Kramer

### Absent

Pennington

## RESOLUTION APPROVED

Mr. Kramer's decision to vote against the resolution was based on the following:

1. H-S is not within the character of the surrounding area in the City of Clawson.
2. Could be used as B-2 zoning; albeit, a very small building.
3. Concern over the deed restriction issues.

December 11, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING – PROPOSED REZONING (Z-673) – North of Big Beaver, East Side of Wilshire, Section 21, R-C to O-S-C

The Burton-Katzman Company have submitted a rezoning request for their property, 1.857 acres, located north of Big Beaver, on the east side of Wilshire and on the west side of I-75. Current zoning classification is R-C Research Center and the proposed zoning classification is O-S-C Office Service Commercial. Petitioner appears to be assembling a number of properties to develop a high-rise office building. The Preliminary Environmental Impact Statement, Traffic Impact Study Summary and Planning Commission minutes are enclosed for your information.

The subject property is currently vacant. The adjacent land uses include: Magna International building to the north; vacant land to the south; an office development to the west, and I-75 and the City of Troy Civic Center to the east.

The current Master Land Use Plan designation for the subject property is High Rise Office. The adjacent land use designations include: High Rise Office to the north and to the south, High Rise and Mid Rise Office to the west and Freeway and Community Facilities to the east.

The current zoning district classification of the subject property is R-C Research Center. The adjacent zoning district classifications include: R-C Research Center to the north, O-S-C Office-Service-Commercial to the south, O-M Office Mid-Rise to the west, and I-75 and C-F Community Facilities to the east.

Proposed Rezoning  
North of Big Beaver, East Side of Wilshire  
Section 21, R-C to O-S-C

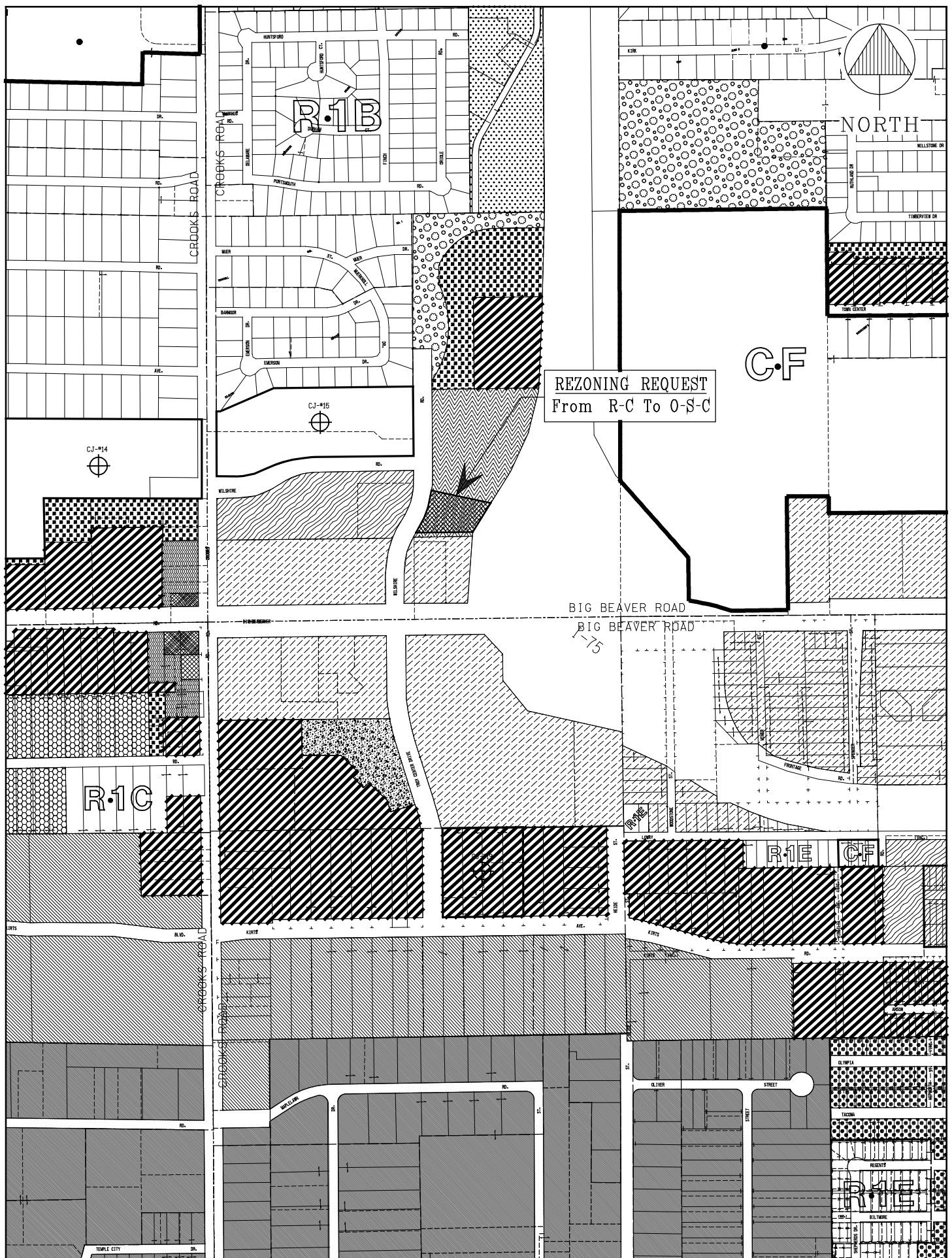
The proposed rezoning is consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. At their November 13, 2001 regular meeting the Planning Commission recommended approval of the subject rezoning request (minutes enclosed). Based upon these findings, City Management recommends approval of the subject rezoning request.

Enclosures

Copies: Mark Stimac, Director of Building and Zoning  
Steve Vandette, City Engineer  
Petitioner, Burton-Katzman  
File/Z-673  
File/Correspondence

MFM/dav





**Item 13.**

**Statement of why the requested change is necessary for the preservation and enjoyment of substantial property rights, and will not be detrimental to adjacent properties.**

The owner purchased the 1.857 acre subject property in February 2001. At the time of purchase, the property was part of a larger 3.58 acre parcel which was under two differing zoning classifications -- the subject 1.857 acre portion being zoned R-C "Research Center" and the remaining 1.723 acres being zoned O-S-C "Office-Service-Commercial," the City's high-rise office classification. The City of Troy Master Plan, however, depicts the entire 3.58 acre parcel, including the 1.857 acre subject property for "High-Rise Office." As such, at the time of purchase, the owner had a reasonable expectation that the City would re-zone the property in a manner to be consistent with its Master Plan. During its due diligence period prior to acquisition, the owner confirmed the reasonableness of this expectation with the City. As such, the owner believes the requested re-zoning is necessary to the preservation and enjoyment of its property rights.

The owner does not believe the re-zoning will be detrimental to other properties in the vicinity for the following reasons:

- The re-zoning will not alter the essential character of uses permitted on the property; both the R-C and O-S-C Districts are principal intended to provide office space to the market.
- Adjacent properties to the south, southwest, west, northwest, and north are already developed with office uses and office buildings consistent with these allowed and being proposed for the subject property. To the east is located the I-75/Big Beaver Road interchange, beyond which are again located office uses.
- The only residential uses in the vicinity which may reasonably be expected to be impacted by the proposed development, are located to the northwest of the subject property, i.e., east of Crooks Road and north of Wilshire Drive. The homeowners associations in this neighborhood have reviewed the owner's proposed project, and have supported it to the extent that certain deed restrictions imposed upon the subject property by the homeowners associations have been removed so the project may proceed.
- The environmental impact statement accompanying this application has not identified adverse impacts upon adjacent properties.

For reasons stated above, the owner believes the requested re-zoning is necessary for the preservation and enjoyment of its property rights and that the preservation and enjoyment of these rights will not be detrimental to the property of adjacent owners.

4. PUBLIC HEARING - PROPOSED REZONING (Z-673) – North of Big Beaver, East Side of Wilshire, Section 21, R-C to O-S-C

Mr. Miller stated that the Burton-Katzman Company have submitted a rezoning request for their property, 1.857 acres, located north of Big Beaver, on the east side of Wilshire and on the west side of I-75. Current zoning classification is R-C Research Center and the proposed zoning classification is O-S-C Office Service Commercial. Petitioner appears to be assembling a number of properties to develop a high-rise office building. The Preliminary Environmental Impact Statement and Traffic Impact Study Summary are enclosed with the agenda package.

Mr. Miller further stated that the subject property is currently vacant. The adjacent land uses include: Magna International building to the north; vacant land to the south; an office development to the west, and I-75 and the City of Troy Civic Center to the east.

Mr. Miller further stated that the current Master Land Use Plan designation for the subject property is High Rise Office. The adjacent land use designations include: High Rise Office to the north and to the south, High Rise and Mid Rise Office to the west and Freeway and Community Facilities to the east.

Mr. Miller further stated that the current zoning district classification of the subject property is R-C Research Center. The adjacent zoning district classifications include: R-C Research Center to the north, O-S-C Office-Service-Commercial to the south, O-M Office Mid-Rise to the west, and I-75 and C-F Community Facilities to the east.

Mr. Miller concluded stating that the proposed rezoning is consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. Based upon these findings, the Planning Department recommends approval of the subject rezoning request.

Mr. Charles DiMaggio, petitioner, stated he was also representing Sterling Savings Bank, who is jointly involved in this venture. John Barker of Hobbs and Black Associates, an architectural firm, and Lori Swanson, who provided the traffic impact study and who will summarize that study here for you this evening.

Mr. DiMaggio further stated that being here this evening is part of the process that they started with the City of Troy in 1998. Ongoing dialect occurred with the City and they have been very helpful and very cordial. A great deal of time was spent with Magna Corporation. Mr. DiMaggio further stated that there is a sliver of property, about a ½ acre along Troy Center Drive, that they are attempting to acquire. That they have had ongoing discussions with the adjacent Wilshire Subdivision regarding amending the deed restrictions for the parking structure. There will be 160,000 to 300,000 square feet of office building depending upon successful negotiations with Magna and the City.

Mr. Storrs asked if all the necessary property is assembled.

Mr. DiMaggio stated yes, there is sufficient land to support the project.



Mr. Littman asked the petitioner if Burton-Katzman/Sterling Bank owns the subject property.

Mr. DiMaggio stated it does.

Mr. Barker, Hobbs & Black Associates, architect for the petitioner, stated that they will present the tallest proposed project considered. However, the footprint will remain the same for all future proposals. The future building could consist of seven (7) to thirteen (13) stories and will be a real signature building on one of the last main corners of the City of Troy. The parking structure size will depend on the size of the building.

Mr. Barker further stated that Sterling Savings Bank will utilize this building as their headquarters. A full loop road will surround the building for easy access and fire emergencies. Also shown are elevations and the type of building which will consist of glass and pre-cast concrete with a stone look. They tried to keep a green space in the front of the building. They incorporated parking into the building which is really an extension of the office building.

Mr. Waller asked the petitioner if they are aware of the current Troy Zoning Ordinance regarding setbacks and height of high rise buildings.

Mr. Barker stated yes, that they are aware of the Zoning Ordinance requirements.

Ms. Lori Swanson, Traffic Engineer, based the traffic study on a 300,000 square foot building. She stated that coordination occurred with John Abraham, Traffic Engineer for the City of Troy. At the request of the City, a simulation mode allowed comparison of an old corridor with the existing corridor and background conditions. Based upon this study, the recommended improvements were developed.

Mr. Kramer commented that the peak hours are noted at 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. He stated that peak hours for the Big Beaver corridor are more like 6:00 A.M. to 8:00 P.M., with lunch also being peak. In the future you might make note of the fact that our rush hour is a flat line of ten (10) peak hours.

Mr. Chamberlain commented on the subject property and asked what is the difference in traffic if we leave it as it is now, versus the proposed rezoning. How much more traffic is going to be generated without the rezoning.

Mr. Abraham stated, looking at the traffic from an overall perspective, it is not much different. Generally, the impact or increase is not dramatic.

Mr. DiMaggio stated that the marginal differences would be between the R-C at 17,500 square feet per acre and O-S-C at 30,000 square feet per acre versus the rezoning which would equal an additional 23,000 square feet of building. Ms. Swanson could address the traffic impact of additional density.

Ms. Swanson stated that a 27,000 additional square footage of building will have 33 A.M. peak trips per hour and 29 P.M. peak trips per hour trip totaling 219 additional trips during an entire day.

Public Hearing was opened.

Mr. Richard Hyke, 1321 Regis Court, stated that when Magna was allowed to build, there was an agreement with Magna that they would limit additional building. He commented that this rezoning allows them higher density. Further, he concluded that the agreement that was made with the residents should not be broken. Agreement should be checked into.

Public Hearing was closed.

Mr. Kramer asked Ms. Lancaster, Assistant City Attorney, that in the past, we have had very little time discussing deed restrictions; what is required or what is permissible related to deed restrictions.

Ms. Lancaster answered that the petitioner should address this issue as more information is needed.

Mr. DiMaggio stated that all three (3) homeowner associations signed off on the changes to the deed restrictions. They did get approval from all of them.

Ms. Lancaster stated that any type of deed restriction can be changed if the parties agree. It is not impossible to revise deed restrictions.

Mr. Waller stated that with Magna there was a lot of concern in the neighborhood about odors and break-ins. There was a gamut of fear. This resulted in building an additional setback distance for the parking lot. There was a lot of negotiation between Magna and the three (3) homeowner associations.

Mr. Wright stated that the neighborhood was concerned that Magna was going to move. This property is almost a full mile from Wattles Creek. Further he stated that he doesn't see why it would be difficult to get the homeowners to agree to changes in deed restrictions.

Mr. Waller stated that there should be plenty of sidewalks in any future development.

## RESOLUTION

Moved by: Waller

Seconded by: Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-C to O-S-C rezoning request of 1.857 acres, located north of Big Beaver, on the east side of Wilshire and on the west side of I-75, be granted.

Yeas: All Present (8)

Absent: Pennington

RESOLUTION APPROVED

**HOBBS & BLACK ASSOCIATES, INCORPORATED**

ARCHITECTURE • PLANNING • INTERIOR DESIGN

07 September 2001

**Troy Office Tower****Area Chart**

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**1<sup>st</sup> Floor**

Gross Area	17,095 sf
Leasable Office	15,218 sf

**2<sup>nd</sup> Floor**

Gross Area	16,037 sf
Leasable Office	14,166 sf

**3<sup>rd</sup>-9<sup>th</sup> Floors**

Gross Area	21,531 sf
Leasable Office	19,596 sf

**10<sup>th</sup>-11<sup>th</sup> Floor**

Gross Area	22,570 sf
Leasable Office	20,635 sf

**12<sup>th</sup> Floor**

Gross Area	18,027 sf
Leasable Office	16,092 sf

**13<sup>th</sup> Floor**

Gross Area	16,029 sf
Leasable Office	14,094 sf

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**Total Gross Area**

263,045 sf

**Total Leasable Office Area**238,012 sf  
90.5%

---

**Basement**

Gross Area	22,570 sf
Leasable Area	20,651 sf

**Penthouse**

Area	5,997 sf
------	----------

100 NORTH STATE STREET, ANN ARBOR, MICHIGAN 48104

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ANN ARBOR

• LANSING

• TOLEDO

## 07.41.0 Impact Analysis Systems:

### 07.41.02 (B) Water Service Facilities

The proposed project can be served by an existing 12" diameter water main located within the Troy Center Road right-of-way. A second, less desirable and more costly connection may via connection to an existing 16" diameter water main located within the Big Beaver Road right-of-way. This connection is proposed only as a second alternative for consideration. The tap should be made on the water main within the Troy Center Road right-of-way. The proposed development will require a looped water main onsite. The size may vary from 8" diameter to 12" diameter based upon review by the City of Troy Engineering and Fire Departments. There is sufficient capacity within these lines to service this project.

### 07.41.03 (C) Waste Water Systems

The proposed project can be served by an existing 12" diameter sanitary sewer located within the Big Beaver Road right-of-way. This connection can be made via a tap on the existing line or via a tap to an existing sanitary sewer manhole located near the properties northeast corner. There is sufficient capacity within this line to service this project based upon the following proposed construction parameters. See attached sanitary sewer basis of design:

Proposed Building: 300,869 S.F. (Gross) / 248,627 S.F. (Usable) / Population: 720 +/- (Estimated)

Average Daily Flow: 72,000 GPD / 0.111 cfs

Peak Daily Flow: 279,898 GPD / 0.433 cfs

A 6" minimum building lead is required for this development. Verify size, location, and invert with the mechanical / civil engineer during design development.

### 07.41.04 (D) Storm Sewers and Detention Facilities

The proposed project will convey storm water via enclosed underground storm sewer to an onsite detention basin to be located north of Troy Center Road per the attached site plan drawing. Storm water will be detained in accordance with the design standards of the Oakland County Drain Commission for a ten-year storm event. The pond will discharge into a catch basin located in within the Troy Center Road right-of-way at the agricultural rate of 0.20 cfs / acre. The ultimate outlet is the I-75 right-of-way via the enclosed Lane Drain. See attached detention calculations.

Detention Required: 24,796 cubic feet based upon a 5.389-acre site.

Detention Provided: 25,000 cubic feet minimum will be provided.

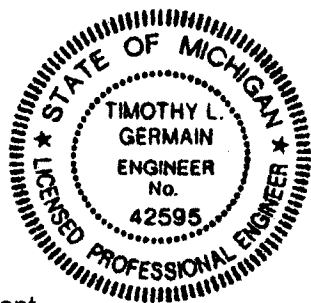
**Detention Calculations - Oakland County Method**  
**(10) Year Storm Event - With Outlet (Orifice)****Proposed Site**

<b>Contributing Area:</b>	<b>5.389 Acres</b>
<b>Allowable Outflow, Qa :</b>	<b>0.200 CFS / Acre</b>
<b>Runoff Coefficient, C :</b>	<b>0.640 Imperviousness</b>
<b>Maximum Allowable Outflow, Qo :</b>	<b>0.313 CFS / Acre * Imperv.</b>
<b>Ts Storage Time ( 10 Yr ):</b>	<b>119.914 Minutes</b>
<b>Vs Storage Time ( 10 Yr ):</b>	<b>7,189.656 CF / Acre * Imperv.</b>
<b>Vt Total Volume ( 10 Yr ):</b>	<b>24,796.835 Cubic Feet</b>
<b>Volume Required :</b>	<b>24,796.835 Cubic Feet</b>

**Detention Volume Summary**

<b>Total Detention Volume Required:</b>	<b>24,796.00 Cubic Feet</b>
<b>Detention Volume Provided:</b>	
Storage in Pond:	- Cubic Feet
Storage in Parking Lot:	- Cubic Feet
Storage in Pipe:	<u>25,000.00 Cubic Feet</u>
<b>Total Detention Volume Provided:</b>	<b>25,000.00 Cubic Feet</b>

Job No: 3-9560-07  
Dated: 08/07/01



9560-07dent

Page 1

NOWAK &amp; FRAUS, PLLC

1310 NORTH STEPHENSON HIGHWAY, ROYAL OAK, MI 48067-1508 248.399.0886 VOICE 248.399.0805 FAX

**Sanitary Sewer Basis of Design**

Proposed Troy Office Tower  
Section 21, T. 2N., R. 11E.  
City of Troy, Oakland County, Michigan

Pr. Development(s): 300,869.0 SF - Office Area (Gross SF)

Area in District: 5.389 Acres +/-

Population Equivalents: 120.00 Units at 0.40 units per 1000 SF (Office)  
Population: 720.00 People at 6 people per unit

Flow Generated (Average): 0.1114 CFS or 72,000.00 Gallons / Day

Flow Generated (Peak): 0.4331 CFS or 279,898.14 Gallons / Day

Min. Outlet Capacity Available: 12 In. Dia. @ 0.22 % = 2.414 CFS

**Required Formulas:**

$$\text{Average Flow} = \frac{\# \text{ of Persons} * 100 \text{ Gal/Cap/Day}}{7.48 * 60 * 60 * 24} =$$

$$\text{Peaking Factor} = \frac{18 + (\# \text{ of Persons}/1000)^{0.50}}{4 + (\# \text{ of Persons}/1000)^{0.50}} =$$

$$\text{Peak Flow} = \text{Average Flow} * \text{Peaking Factor}$$

$$\text{Waste Generated} = (\text{X}) \text{ CFS} * 646,272 \text{ (Gallons/Day)/CFS} = \text{Gallons /Day}$$

Job No: 3-9560-07  
Dated: 08/07/01





## CHECKLIST FOR REVIEWING A TRAFFIC IMPACT STUDY

Development: Office Development – Burton Katzman

TIS Prepared by: TetraTech MPS

Phone: \_\_\_\_\_

(study was performed in consultation with the traffic engineering staff)

YES NO

**Existing Traffic Volumes:** Are the existing counts based on recent peak hour turning movements? If older data is used, have they been updated using reasonable factors? Are the season and day of the week representative of the year or design hour? Are any construction or other events which may have impacted the validity of the counts noted?



Comments: **SCATS DATA USED + COUNTS.**

**Trip generation:** Are the projected trip generation rates from the most recent edition of ITE's Trip Generation? If yes, are the rates based on a sufficient number of studies to be accurate and used correctly? If local trip generation rates are used, such as from similar developments in the area, is there adequate documentation to support the rates?



Comments:

**Reduction In Trip Generation:** Are any trip reductions used for Pass-by Trips, Internal Capture Traffic, Transit, Ride-sharing, etc., reasonable? Are reductions adequately documented? Is the source and rationale for reductions valid for this application? Are the full impact of turning movements addressed?



Comments:

**Trip Distribution/Assignment:** Are the expected trip patterns to and from the subject site reasonable based on a market analysis, existing patterns, population distribution, or a network traffic assignment model, etc?



Comments: **BASED ON EXISTING PATTERNS. (SEMILOG MODEL NOT USED)**

**Background traffic:** Is there a reasonable projection of non-project traffic on the nearby street system for the horizon year based on historic increases and consideration of approved projects in the vicinity? Are these volumes shown graphically?



Comments:

YES NO

**Analysis:** Are the correct time periods evaluated - i.e., a.m. peak hour, p.m. peak hour, daily, weekend peaks for shopping centers, recreational uses, etc? Are the levels of service shown for each movement at study area intersections? Are conditions analyzed for both background and 'with project' conditions? Has the study addressed all issues identified at the pre-application conference?

☒ ☐

Comments: AS DEFINED BY CITY STAFF.

**Access:** Are the number of driveways proposed the minimum needed to accommodate site traffic? Could conditions be improved with some type of shared access system or relocation of access points?

☒ ☐

Comments:

**Mitigation Alternatives:** If the traffic study acknowledges that improvements to the roadway system will be needed, are the proposed mitigation alternatives reasonable-and implementable?

☒ ☐

Comments: PLEASE SEE COMMENTS BELOW.

8. LONG RIGHT TURN LANE FROM BIG BEAVER TO ONTO WILSHIRE.  
EXTENSION OF CROSSOVER STORAGE ON BIG BEAVER.

**Mitigation Timing:** Are the timing and responsibility for implementing mitigation measures addressed sufficiently? Are there any recommended roadway improvements which are not addressed?

☒ ☐

Comments:

**Qualifications of the Preparer:** Is the traffic impact study prepared by a professional engineer or planner who has at least three years of recent experience developing impact studies and meets all the requirements outlined in the traffic impact study handbook?

☒ ☐

Comments:

Additional Comments:

THE STUDY SUGGESTS OPTIMIZING TRAFFIC SIGNALS AS A MAJOR RECOMMENDATION.  
SINCE ALL SIGNALS ARE ON 'SLATS', THEY ARE DYNAMICALLY BEING OPTIMIZED..

Date Received 10/20/2001

Date Reviewed 10/24/2001

Reviewed By J. ABRAHAM.

RECOMMENDED IMPROVEMENTS ON BIG BEAVER ~~ARE~~ HAVE BEEN SHOWN  
IN THE STUDY. HOWEVER SOME IMPROVEMENTS TO ENHANCE SAFETY  
ON WILSHIRE HAVE NOT BEEN MENTIONED UNDER ~~ST~~ MITIGATION  
RECOMMENDATIONS..

SPECIFICALLY, TO IMPROVE DRIVEWAY SAFETY AT WILSHIRE, THE  
WILSHIRE MEDIAN MAY HAVE TO BE RE-CONFIGURED WITH

G:\John's Documents\TISReviewForm.doc

DIRECTIONAL CROSSOVERS (AS OPPOSED TO ~~EXISTING~~  
EXISTING MEDIAN OPENINGS)

THIS DETAIL MAY BE ADDRESSED DURING SITE PLAN REVIEW  
WHEN ~~END~~ DRIVEWAY LOCATIONS HAVE BEEN FINALIZED..



## SUMMARY OF FINDINGS AND RECOMMENDATIONS

The following items summarize the results of our traffic impact study for the proposed office development in Troy, Michigan

### FINDINGS

1. The proposed development is located on the northeast quadrant of Big Beaver Road and Wilshire Road. Big Beaver Road is a six lane divided road that runs in the east and west direction. Wilshire Road is a four lane road that runs in the north and south direction. Wilshire Road curves in an east and west direction where it intersects with Crooks Road.
2. The site plan currently includes approximately 301,000 sf office building.
3. A background traffic scenario was developed to approximate conditions of the adjacent roadway system prior to construction of the proposed development. Background traffic growth is generated from other development in the area and normal yearly increases in traffic, which are unrelated to development of this proposed project. The development is expected to reach buildout within one and a half years. Information regarding planned developments in the area of this project was provided by the City of Troy and is included in the forecast of background traffic.

A background growth rate of one and a half percent per year was applied to the existing traffic volumes for the buildout year of 2003. This scenario approximates traffic conditions in a year and a half as if the development was not built. Analysis of the background traffic scenario provides a basis for evaluating future traffic impacts directly related to development of the project site.

4. A trip distribution model was developed for the AM and PM peak hours based on existing traffic patterns.

**AM Peak Hour**

31% from and 24% to the north  
48% from and 52% to the south  
9% from and 11% to the east  
12% from and 13% to the west

**PM Peak Hour**

19% from and 32% to the north  
51% from and 43% to the south  
11% from and 13% to the east  
19% from and 12% to the west

5. The proposed development is expected to generate 449 total trips during the AM peak hour (395 inbound and 54 outbound) and 414 total trips during the PM peak hour (70 inbound and 344 outbound). The trip generation for the proposed development was calculated using the equation, when appropriate, or the average rate as outlined in the most recent edition of *Trip Generation (6<sup>th</sup> Edition)*, published by the Institute of Transportation Engineers (ITE).
6. The background traffic volumes and the site-generated traffic volumes were combined to develop a total future traffic scenario.
7. Level of service analyses were completed for existing, background, and total future traffic conditions for the following intersections:
- Crooks Road and McManus Road,
  - Crooks Road and Wilshire Road,
  - Crooks Road and Kirts Road,
  - Big Beaver Road and Crooks Road,
  - EB Big Beaver Road and Kelly Road,
  - EB Big Beaver Road and Troy Center,
  - WB Big Beaver Road and Wilshire Road ,
  - EB Big Beaver Road and SB I-75 On/Off Ramp,
  - WB Big Beaver Road and NB I-75 On/Off Ramp,
  - WB Big Beaver Road and SB I-75 Off Ramp,
  - Big Beaver Road and Livernois Road,
  - WB Big Beaver Road and Troy Drive,
  - EB Big Beaver Road and NB I-75 Off Ramp,
  - WB Big Beaver Road and Civic Center Drive, and
  - Nine Crossovers on Big Beaver Road.

8. The operation of the two proposed driveways located on Wilshire Road were analyzed under the total future conditions.
9. Level of service (LOS) is a measure of operation at an intersection based on average vehicle delay. Level of service is expressed with a letter grade ranging from A to F. LOS A signifies minimal delays, whereas LOS F signifies excessive delays. LOS D or better is generally considered to be acceptable in suburban areas.
10. The following tables show the results of the level of service analyses for the signalized and unsignalized intersections listed in Task #7.

**Signalized Level of Service Analysis and Delay**  
**AM Peak Hour**

Intersection	Existing		Background		Future		Future Improved	
	AM		AM		AM		AM	
	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)
Crooks Road & McManus Road	A	3.7	A	3.9	A	4.1	A	4.4
Crooks Road & Wilshire Road	A	6.3	A	6.4	A	7.1	A	6.6
Crooks Road & Kirts Road	E	77.0	C	33.8	C	34.7	D	35.6
EB Big Beaver Road & WB Crossover west of Crooks Road	B	19.5	C	20.0	C	20.9	C	24.5
EB Big Beaver Road & Crooks Road	C	22.3	C	23.4	C	24.4	B	13.8
WB Big Beaver Road & Crooks Road	D	42.7	D	45.2	D	45.3	D	42.0
WB Big Beaver Road & EB Crossover east of Crooks Road	B	12.9	B	12.9	B	12.6	B	10.0
EB Big Beaver Road & Kelly Crossover	F	207.0	F	214.6	F	223.6	E	76.5
EB Big Beaver Road & Troy Center	A	4.1	A	4.3	A	4.8	A	4.0
WB Big Beaver Road & Wilshire Road	A	3.6	A	4.7	D	47.7	A	2.8
WB Big Beaver Road & EB Crossover east of Wilshire Road	A	3.7	A	5.7	C	22.6	C	24.6
WB Big Beaver Road & SB I-75 Off Ramp	E	67.5	E	77.7	F	103.3	F	101.2
EB Big Beaver Road & SB I-75 On/Off Ramp	A	7.5	A	8.5	A	9.2	A	9.6
WB Big Beaver Road & NB I-75 On/Off Ramp	F	184.1	F	192.2	F	211.1	F	128.7
EB Big Beaver Road & WB Crossover west of Livernois Road	B	11.2	B	10.2	B	10.1	A	7.0
EB Big Beaver Road & Livernois Road	F	104.0	C	24.4	C	24.7	C	24.5
WB Big Beaver Road & Livernois Road	E	58.1	E	60.1	E	65.7	C	24.7
WB Big Beaver Road & Troy Drive/EB Crossover	A	5.3	A	6.4	A	7.1	A	5.0

**Signalized Level of Service Analysis and Delay**  
**PM Peak Hour**

Intersection	Existing		Background		Future		Future Improved	
	PM		PM		PM		PM	
	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)
Crooks Road & McManus Road	A	3.5	A	4.4	A	4.9	A	2.1
Crooks Road & Wilshire Road	A	8.9	A	9.1	B	10.4	A	9.3
Crooks Road & Kirts Road	F	383.4	E	80.0	F	86.8	E	70.3
EB Big Beaver Road & WB Crossover west of Crooks Road	B	14.8	B	15.1	B	16.7	B	16.6
EB Big Beaver Road & Crooks Road	E	62.3	E	72.9	E	74.3	C	20.5
WB Big Beaver Road & Crooks Road	D	42.2	D	44.9	D	46.8	C	20.7
WB Big Beaver Road & EB Crossover east of Crooks Road	B	12.5	B	12.2	B	11.7	B	12.1
EB Big Beaver Road & Kelly Crossover	F	259.0	F	270.0	F	288.1	F	252.2
EB Big Beaver Road & Troy Center	E	64.8	E	76.9	F	107.5	E	64.6
WB Big Beaver Road & Wilshire Road	A	5.1	A	5.3	B	19.5	B	12.7
WB Big Beaver Road & EB Crossover east of Wilshire Road	A	2.7	A	2.8	A	3.4	A	3.3
WB Big Beaver Road & SB I-75 Off Ramp	B	18.0	B	18.5	B	18.8	A	9.3
EB Big Beaver Road & SB I-75 On/Off Ramp	D	40.8	D	45.5	D	48.6	D	49.7
WB Big Beaver Road & NB I-75 On/Off Ramp	F	89.9	F	95.0	F	97.0	C	26.1
EB Big Beaver Road & WB Crossover west of Livernois Road	B	11.2	A	7.4	A	7.3	A	9.5
EB Big Beaver Road & Livernois Road	F	97.0	E	54.9	E	57.8	C	29.2
WB Big Beaver Road & Livernois Road	D	41.6	D	45.9	D	44.0	B	16.5
WB Big Beaver Road & Troy Drive/EB Crossover	A	8.9	B	12.2	B	13.1	B	14.6

**Existing Unsignalized Level of Service Analysis and Delay**  
**AM and PM Peak Hour**

Intersection	Existing Network															
	AM Peak Hour								PM Peak Hour							
	Northbound		Southbound		Eastbound		Westbound		Northbound		Southbound		Eastbound		Westbound	
	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)
3 Big Beaver Road d Crossover East of ooks Road			C	19.2	A	-					F	81.6	A	-		
3 Big Beaver Road d NB I-75 Off ump	F	1304			A	-			F	790.6			A	-		
B Big Beaver Road d Civic Center ive			C	20.6			A	-			C	21.6			A	-
B Big Beaver Road d Crossover West of encer Road	F	51.6					A	-	F	97.6					A	-
1 Big Beaver Road 1 Spencer/ rossover	C	16.9	D	25.9	A	-			E	39.3	F	-	A	-		
B Big Beaver Road 1 Crossover East of encer Road	D	25.7					A	-	D	34.8					A	-
B Big Beaver Road 1 Crossover West of ernois Road	C	22.5					A	-	D	26.2					A	-
1 Big Beaver Road 1 Crossover East of oy Drive			C	24.2	A	-					C	24.0	A	-		

**Background Unsignalized Level of Service Analysis and Delay**  
**AM and PM Peak Hour**

Intersection	Background Network															
	AM Peak Hour								PM Peak Hour							
	Northbound		Southbound		Eastbound		Westbound		Northbound		Southbound		Eastbound		Westbound	
	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)
EB Big Beaver Road and Crossover East of Crooks Road			C	19.8	A	-					F	102.8	A	-		
EB Big Beaver Road and NB I-75 Off Ramp	F	877.3			A	-			F	445.7			A	-		
WB Big Beaver Road and Civic Center Drive			C	17.3			A	-			C	18.6			A	-
WB Big Beaver Road and Crossover West of Spencer Road	C	15.0					A	-	C	16.9					A	-
EB Big Beaver Road and Spencer/ Crossover	C	16.8	C	19.2	A	-			D	31.8	F	-	A	-		
WB Big Beaver Road and Crossover East of Spencer Road	C	15.6					A	-	C	17.7					A	-
WB Big Beaver Road and Crossover West of Livernois Road	C	15.1					A	-	C	16.2					A	-
EB Big Beaver Road and Crossover East of Troy Drive			D	25.4	A	-					C	23.0	A	-		



**Future Unsignalized Level of Service Analysis and Delay**  
**AM and PM Peak Hour**

Intersection	Future Network															
	AM Peak Hour								PM Peak Hour							
	Northbound		Southbound		Eastbound		Westbound		Northbound		Southbound		Eastbound		Westbound	
	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)
B Big Beaver Road and Crossover East of Brooks Road			C	21.3	A	-					F	105.3	A	-		
B Big Beaver Road and NB I-75 Off ramp	F	891.5			A	-			F	503.0			A	-		
B Big Beaver Road and Civic Center Drive			C	18.1			A	-			C	18.8			A	-
B Big Beaver Road and Crossover West of Spencer Road	C	15.6					A	-	C	17.3					A	-
B Big Beaver Road and Spencer/Crossover	C	17.0	C	19.5	A	-			E	35.3	F	-	A	-		
B Big Beaver Road and Crossover East of Spencer Road	C	16.4					A	-	C	18.1					A	-
B Big Beaver Road and Crossover West of Vernois Road	C	15.8					A	-	C	16.5					A	-
B Big Beaver Road and Crossover East of Roy Drive			D	25.6	A	-					D	27.1	A	-		
Wilshire Drive and Proposed Site Drive	A	-	B	10.3			C	20.0	A	-	A	8.1			C	20.1
Wilshire Drive and Proposed Site Drive	A	-	A	9.1			B	14.9	A	-	A	8.1			B	13.8



**Future Improved Unsignalized Level of Service Analysis and Delay  
AM and PM Peak Hour**

Intersection	Future Improved Network															
	AM Peak Hour								PM Peak Hour							
	Northbound		Southbound		Eastbound		Westbound		Northbound		Southbound		Eastbound		Westbound	
	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)
EB Big Beaver Road and Crossover East of Crooks Road			C	21.3	A	-					F	64.1	A	-		
EB Big Beaver Road and NB I-75 Off Ramp	F	891.5			A	-			F	503.0			A	-		
WB Big Beaver Road and Civic Center Drive			C	18.1			A	-			C	18.8			A	-
WB Big Beaver Road and Crossover West of Spencer Road	C	16.4					A	-	C	18.2					A	-
EB Big Beaver Road and Spencer/Crossover	C	17.0	C	19.5	A	-			E	35.3	F	-	A	-		
WB Big Beaver Road and Crossover East of Spencer Road	C	17.5					A	-	C	19.4					A	-
WB Big Beaver Road and Crossover West of Livernois Road	C	16.7					A	-	C	17.3					A	-
EB Big Beaver Road and Crossover East of Troy Drive			D	29.8	A	-					D	31.2	A	-		
Wilshire Drive and Proposed Site Drive One	A	-	B	10.3			C	20.0	A	-	A	8.1			C	20.1
Wilshire Drive and Proposed Site Drive Two	A	-	A	9.1			B	14.9	A	-	A	8.1			B	13.8

## RECOMMENDATIONS

### *Future Conditions*

The following recommendations will help mitigate traffic impacts from traffic generated by the proposed project:

1. Optimize traffic signal offsets along Big Beaver Road and Crooks Road.
2. Optimized the signal timing splits at the following intersections:
  - Crooks Road and Kirts Road,
  - Big Beaver Road and Crooks Road,
  - EB Big Beaver Road and Kelly Road/Crossover,
  - EB Big Beaver Road and Troy Center Drive,
  - WB Big Beaver Road and Crossover East of Wilshire Road,
  - WB Big Beaver Road and SB I-75 Off Ramp,
  - WB Big Beaver Road and NB I-75 On/Off Ramp, and
  - Big Beaver Road and Livernois Road.
3. Proposed Site Drive One and Wilshire Drive should be constructed with separate left and right turn lanes exiting westbound.
4. Construct a westbound right turn lane on Big Beaver Road at Wilshire Drive.
5. Construct an additional left turn lane on westbound Big Beaver Road at the westbound to eastbound Big Beaver Road crossover west of Wilshire Drive.
6. Proposed Site Drive Two and Wilshire Drive should be constructed with a single lane exiting westbound to accommodate all turning movements.
7. Construct site driveways in according with Road Commission for Oakland County Standards.

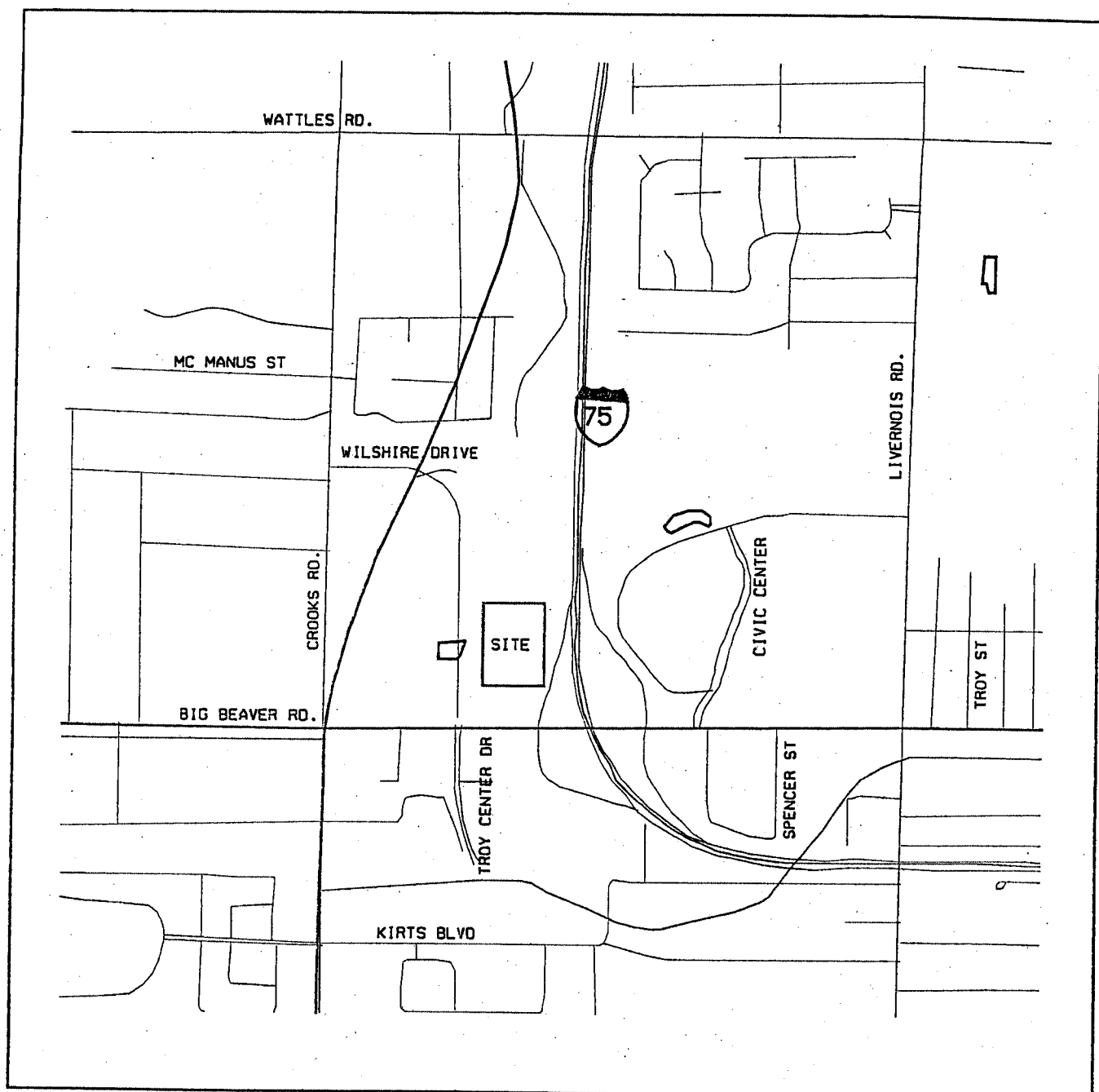
## INTRODUCTION

Traffic volume data collection began in February, 2001 and was completed March, 2001. The data collected within the study area included turning movement traffic counts at key intersections during the AM and PM peak periods. Based on the type of developments in the area, (residential, office, retail and restaurant) the peak hours of 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM were selected as the peak periods to collect traffic volumes. These volumes were collected on Tuesday, Wednesday and Thursday to best represent a typical weekday.

The proposed development is located on the northeast quadrant of Big Beaver Road and Wilshire Road. Big Beaver Road is a six lane divided road that runs in the east and west direction. Wilshire Road is four lane road that runs in the north and south direction. The Wilshire Road and Big Beaver Road intersection is currently signal controlled. Wilshire Road curves in the east and west direction north of the site and eventually intersects with Crooks Road.

The proposed office site located on the north side of Big Beaver Road and on the east side of Wilshire Road in the Troy, Michigan currently includes approximately 301,000 sf office space.

The proposed development is expected to have access via two driveways on Wilshire Road. A site location map is illustrated in Figure 1B. A preliminary site plan is illustrated in Figure 1B.



TETRA TECH MPS

SITE LOCATION

FIGURE 1A

FEB. 2001

Date

TROY OFFICE TOWER  
TROY, MICHIGAN

Project

Figure 1B

HOBBS & BLACK ASSOCIATES, INCORPORATED  
ARCHITECTURE • PLANNING • INTERIOR DESIGN

100 NORTH STATE STREET, ANN ARBOR, MICHIGAN 48104  
TEL: 734-663-4189 FAX: 734-663-1770

ANN ARBOR • LANSING • TOLEDO

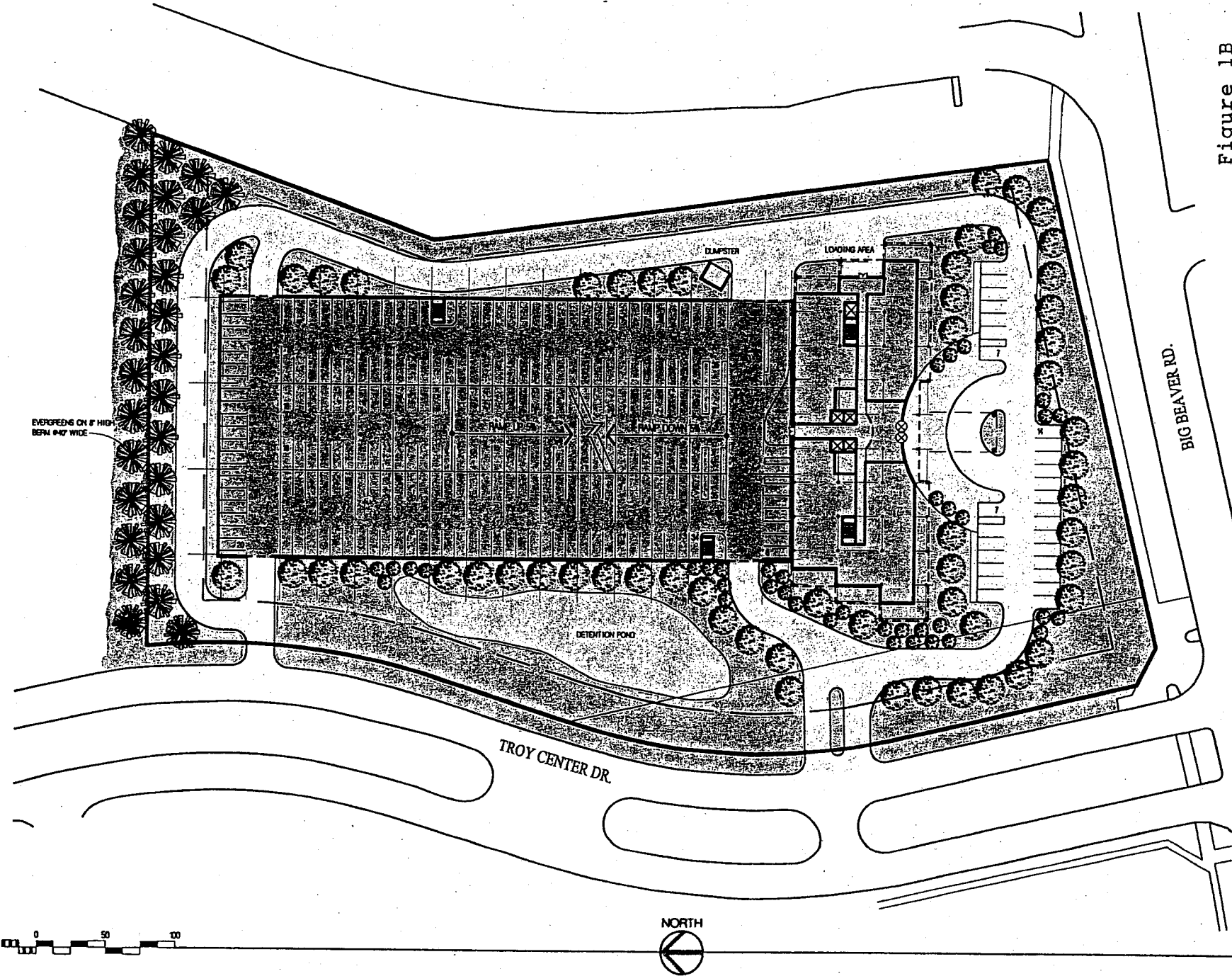
FIRST  
FLOOR  
PLAN

Sheet Title

P00-026

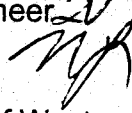
Project Number

A-101



December 5, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
John Lamerato, Assistant City Manager – Finance/Administration  
Gary Shripka, Assistant City Manager – Services  
Steve Vandette, City Engineer  
Nino Licari, City Assessor 

Re: Petition Analysis, Paving of Westaway SAD# 01.112.1

Attached is a petition from residents and property owners on Westaway, in Section 3, requesting asphalt paving of the street, and the creation of a Special Assessment District to finance the project.

There are 20 assessable units in the project area. Thirteen of the affected unit owners have signed the petition in favor of the project. This equates to 65% of the owners being in favor of the paving.

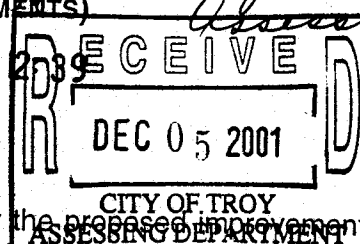
It is recommended that City Council approve Standard Resolution #1 (preparation of plans and cost estimates for the project), Standard resolution #2 (approval of the cost estimates, and directing the Assessor to create the roll), and Standard Resolution #3 (setting a Public Hearing for the project) as submitted.

**REQUEST FOR PUBLIC IMPROVEMENTS**  
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable,  
the Mayor and City Council  
Troy, Michigan

13 of 20

2001 DEC -4 PM 2:39



We, the undersigned, owners of property in the city of Troy to be benefited by the proposed improvements, description of which property and addresses are set forth opposite our respective names hereto, do hereby request the following public improvements to wit:

Bituminous paving on Westaway, South Boulevard to Lovell, contingent on Community Development Block Grant funds being available for qualified households.

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed if the City Council, in the exercise of its discretion, orders such improvement to be made

NAME	ADDRESS	DATE	SUBDIVISION	LOT #	TELEPHONE #
Anthony	6861 WESTAWAY		3-126-031 ALSO PAGE 2		879-6887
Marisa	6900 WESTAWAY	12/2/01	3-127-038		879-2948
David Carr	6790 Westaway	12/2/01	3-127-027		828-8934
Joyce Carr	"	"	3-127-027		"
Jeffery	6730 WESTAWAY		3-127-041		828-3958
Billie	6730 WESTAWAY		3-127-041		828-3958
LEONTIN T. BUZAS	6793 WESTAWAY	12/3/01	3-126-047		828-8968
Florencia Flores	6793 Westaway	12/3/01	3-126-047		"

In case of joint ownership, both husband and wife and/or other joint owner must sign. Affidavit on reverse side of this page must be filled out.

State of Michigan}  
County of Oakland}

I, EDWARD C VIAN ROSSEN, being duly sworn, say that I reside at address 6745 WESTWAY, TROY 48068 that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all or said signers are property owners of the City of Troy.

Signed,

Edward C Vian Rossen 4 DEC 01

Signed, subscribed and sworn to before me, a Notary Public, in and for said County this 4th  
day of December, ~~1999~~ 2001

Signed,

Maryann Hays

MARYANN HAYS  
Notary Public, Oakland County, MI  
My Commission Expires March 16, 2005

My commission expires: \_\_\_\_\_



RECEIVED  
CITY OF TROY  
REQUEST FOR PUBLIC IMPROVEMENTS  
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

2001 DEC -4 PM 12:39

To the Honorable,  
the Mayor and City Council  
Troy, Michigan

We, the undersigned, owners of property in the city of Troy to be benefited by the proposed improvements, description of which property and addresses are set forth opposite our respective names hereto, do hereby request the following public improvements to wit:

Bituminous paving on Westaway, South Boulevard to Lovell, contingent on Community Development Block Grant funds being available for qualified households.

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed if the City Council, in the exercise of its discretion, orders such improvement to be made

NAME	ADDRESS	DATE	SUBDIVISION	LOT #	TELEPHONE #
Connie Close	6840 Westaway	11/29	3-127-001		828-7134
Ronald H. Close	6840 Westaway	11/29/01	3-127-001		828-2134
Amy Hansen	6808 Westaway	11/29	3-127-026		
Frederick Hansen	6808 Westaway	11/29	3-127-026		
Dickert Carr	6772 Westaway	11/29	3-127-019		
Dickert Carr	6772 Westaway		2 UNITS		
Dan J. Smart	6919 Westaway	11/29	3-126-038		
Edward C. Van Rensselaer	6745 Westaway	11/29/01	BASSETT & SMITH FLORIANE SIPPING AC	5 1/2 LOT 10	879-6659
Ullend Van Rossum	6745 Westaway	11/29/01	3-126-027	"	879-6659
Joseph Hance III	6729 Westaway	12/1/01	3-126-026	4 1/2 LOT 11	879-8972
Sonia Hance	6729 Westaway	12/1/01	3-126-026	"	"
Jeff Barrett	6821 Westaway	12/2/01	3-126-046		879-9158
Mark Barrett	6821 Westaway	12/2/01	3-126-046		879-9158
Dickert Carr	6861 Westaway	12/2/01	3-126-031 4500 PAGE 1		879-6687

In case of joint ownership, both husband and wife and/or other joint owner must sign. Affidavit on reverse side of this page must be filled out.

State of Michigan}  
County of Oakland}

I, EDWARD C VAN ROSSEN, being duly sworn, say that I reside at address 6745 WESTWAY TROY 48068 that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all or said signers are property owners of the City of Troy.

Signed,

Edward C Van Rossen 4 DEC 01

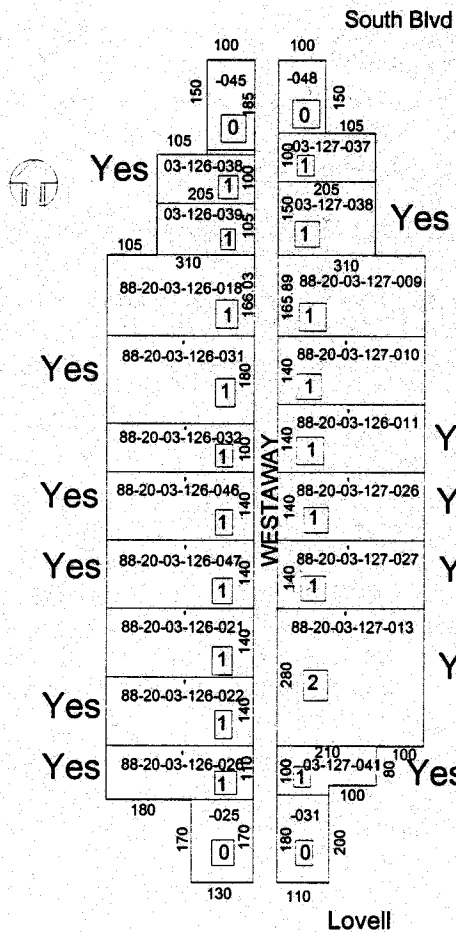
Signed, subscribed and sworn to before me, a Notary Public, in and for said County this 4th  
day of December, ~~1999~~ 2001

Signed,

Maryann Hays

MARYANN HAYS  
Notary Public, Oakland County, MI  
My Commission Expires March 16, 2005

My commission expires: \_\_\_\_\_

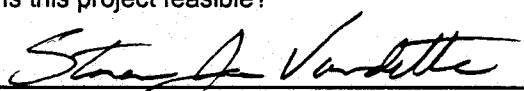


# Special Assessment #01.112.1 Westaway Asphalt Paving 20 Units

13 of 20 Signed in Favor  
(65%)

FEASIBILITY REPORT  
Proposed Special Assessment

CITY ENGINEER'S REPORT TO CITY MANAGER AND CITY ASSESSOR

Project Number	
Project Title	<u>Westaway, Lovell to South Boulevard</u>
Project Location	<u>Section 3</u>
Description of Proposed Improvements:	<u>22' wide, 4 - 1/2" thick bituminous surfacing</u>
Preliminary Cost Estimate:	<u>\$280,843.00</u>
Proposed Portion of Cost to be Special Assessed:	<u>\$68,790.00</u>
Proposed Scheduling of Project:	<u>Summer 2002</u>
Plan and Cost Estimate could be completed in:	<u>120 days</u>
Is this project feasible?	<u>Yes</u>
 Steven Vandette, City Engineer	<u>12/05/01</u> Date

CITY ASSESSOR'S REPORT TO THE CITY MANAGER

Amount to be Special Assessed:	<u>\$68,790.00</u>
Amount to be General Assessed:	<u>\$212,053.00</u>
Total Cost:	<u>\$280,843.00</u>

	<u>BENEFIT METHOD</u>	<u>BENEFIT RATE</u>
Frontage	<u>2,676.92</u>	<u>\$25.6974</u>
Area	<u>N/A</u>	<u>N/A</u>
Unit	<u>20.00</u>	<u>\$3,439.50</u>

Owners Signed	<u>13.00</u>	Percent of Total	<u>65.00%</u>
Frontage Signed	<u>1,760.00</u>	Percent of Total	<u>65.70%</u>
Occupied Units Signed	<u>12.00</u>	Percent of Total	<u>60.00%</u>

Is this Project feasible?	<u>Yes</u>
 Nino Licati, City Assessor	<u>12/05/01</u> Date

## PRELIMINARY COST ESTIMATE

11-16-01

Project Location: Westaway, Lovell to South Blvd.

Project No.: \_\_\_\_\_

Proposed Improvement: 22' Wide Bit. Pavement with Underdrains

ITEM #	QUANTITY	DESCRIPTION	UNIT COST	TOTAL COST
1.	780 Tons	Bit. Mix No. 500, 20C - 3" Thick	49.00	38,220.00
2.	390 Tons	Bit. Mix No. 1100T, 20A - 1 1/2" Thick	54.00	21,060.00
		<b>Sub-total</b>		<b>59,280.00</b>
		Engineering, Admin. and Contingencies		14,820.00
		<b>Sub-total</b>		<b>74,100.00</b>
		Maintenance Savings		-5,310.00
		<b>Total Special Assessment Share</b>		<b>68,790.00</b>
1.	4700 S.Y.	Grading	3.00	14,100.00
2.	50 C.Y.	Undercut and Crushed Concrete Backfill	30.00	1,500.00
3.	1250 Tons	21AA Aggregate for Base	11.00	13,750.00
4.	50 Tons	Bit. Mix No. 1100T, 36B - 4" Thick Drives	85.00	4,250.00
5.	500 Tons	21AA Aggregate for Shoulders	11.00	5,500.00
6.	10 Each	Relocate Mailbox Posts	50.00	500.00
7.	285 L.F.	12" C-76 CL-IV Storm Sewer, Tr. Det. B	59.50	16,957.50
8.	2403 L.F.	8" Diameter Underdrain	19.10	45,897.30
9.	12 Each	4' Dia. Catch Basin	900.00	10,800.00
10.	650 L.F.	12" CMP, 14 Gauge	20.00	13,000.00
11.	5,500 S.Y.	Turf Restoration	5.00	27,500.00
10.	32 Each	12" Metal End Section	70.00	2,240.00
12.	17 Each	2' Dia. Maintenance Basin	550.00	9,350.00
13.	1 Each	Reconstruct Drainage Structure	50.00	50.00
		<b>Sub-total</b>		<b>165,394.80</b>
		Engineering, Admin. and Contingencies		41,348.20
		Maintenance Savings		5,310.00
		<b>Total - City's Share</b>		<b>212,053.00</b>
		<b>Total Project Cost</b>		<b>280,843.00</b>

Project Name **Westaway, Lovell to S Blvd**

Project # **01.112.1**

**Amortization Table**  
**10 Year**

int. @.06

<b>Assessment</b> <b>\$3,439.50</b>
--

Year	Principal	Interest	Payment	Balance
1	\$ 343.95		\$ 343.95	\$ 3,095.55
2	\$ 343.95	\$ 185.73	\$ 529.68	\$ 2,751.60
3	\$ 343.95	\$ 165.10	\$ 509.05	\$ 2,407.65
4	\$ 343.95	\$ 144.46	\$ 488.41	\$ 2,063.70
5	\$ 343.95	\$ 123.82	\$ 467.77	\$ 1,719.75
6	\$ 343.95	\$ 103.19	\$ 447.14	\$ 1,375.80
7	\$ 343.95	\$ 82.55	\$ 426.50	\$ 1,031.85
8	\$ 343.95	\$ 61.91	\$ 405.86	\$ 687.90
9	\$ 343.95	\$ 41.27	\$ 385.22	\$ 343.95
10	\$ 343.95		\$ 343.95	\$ 0.00
<hr/>				
<b>TOTAL</b>	<b>\$ 3,439.50</b>	<b>\$ 908.03</b>	<b>\$ 4,347.53</b>	

12/5/01

88-20-03-126-018 010  
THARP, RICHARD  
6881 WESTAWAY  
TROY MI 48085-1547  
1 Unit \$3,439.50

88-20-03-126-026 010  
HONCE III, JOSEPH  
6729 WESTAWAY  
TROY MI 48085-1508  
1 Unit \$3,439.50

88-20-03-126-038 010  
SMART, TERRY J  
6919 WESTAWAY  
TROY MI 48085-1548  
1 Unit \$3,439.50

88-20-03-126-047 010  
BUZAS, LEONTIN & FLOAREA  
6793 WESTAWAY  
TROY MI 48085-1508  
1 Unit \$3,439.50

88-20-03-127-011 010  
CLOSE, RONALD H  
6840 WESTAWAY  
TROY MI 48085-1549  
1 Unit \$3,439.50

88-20-03-127-027 010  
CARR, DAVID & LESLIE  
6790 WESTAWAY  
TROY MI 48085-1509  
1 Unit \$3,439.50

88-20-03-127-041 010  
DUNCAN, JEFFREY & BETH  
6730 WESTAWAY  
TROY MI 48085-1509  
1 Unit \$3,439.50

88-20-03-126-021 010  
ROWE, HENRY  
6771 WESTAWAY  
TROY MI 48085-1508  
1 Unit \$3,439.50

88-20-03-126-031 010  
HOAG, RANDALL & NYNA SUE  
6861 WESTAWAY  
TROY MI 48085-1547  
1 Unit \$3,439.50

88-20-03-126-039 010  
SCHLOTTHAUER, KENNETH & VERNA  
6915 WESTAWAY  
TROY MI 48085-1548  
1 Unit \$3,439.50

88-20-03-127-009 010  
DERINZYJONES, KIMBERLY  
6880 WESTAWAY  
TROY MI 48085-1549  
1 Unit \$3,439.50

88-20-03-127-013 010  
CARR, GILBERT B  
6772 WESTAWAY  
TROY MI 48085-1509  
2 Units \$6,879.00

88-20-03-127-037 010  
LASSITER, LIONEL  
6916 WESTAWAY  
TROY MI 48085-1550  
1 Unit \$3,439.50

88-20-03-126-022 010  
VAN ROSSEN, EDWARD & HELEN  
6745 WESTAWAY  
TROY MI 48085-1508  
1 Unit \$3,439.50

88-20-03-126-032 010  
STINSON, WILLIAM & MARGARET  
6839 WESTAWAY  
TROY MI 48085-1547  
1 Unit \$3,439.50

88-20-03-126-046 010  
BARRETT, JEFFREY & LORI  
6821 WESTAWAY  
TROY MI 48085-1547  
1 Unit \$3,439.50

88-20-03-127-010 010  
CIESLAK, SUSAN  
6860 WESTAWAY  
TROY MI 48085-1549  
1 Unit \$3,439.50

88-20-03-127-026 010  
HANSEN, FRED D  
6808 WESTAWAY  
TROY MI 48085-1549  
1 Unit \$3,439.50

88-20-03-127-038 010  
SCRASE, MATTHEW D  
6900 WESTAWAY  
TROY MI 48085-1550  
1 Unit \$3,439.50



December 7, 2001

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: LORI GRIGG BLUHM, CITY ATTORNEY  
RE: REPEAL OF CHAPTER 92

---

Attached is a proposed resolution that would repeal Chapter 92. Chapter 92 is the chapter that formerly covered criminal misdemeanors in the City of Troy. Chapter 98 has replaced it.

It was not repealed at the time of the adoption of Chapter 98 because there were questions about the effective date of Chapter 98. At this point, however, it is appropriate to repeal Chapter 92.

We recommended the adoption of the resolution.



December 11, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Lori Bluhm, City Attorney  
Doug Smith, Real Estate and Development Director  
Dennis C. Stephens, Right of Way Representative

SUBJECT: Payment of Updated Tree Appraisal Amounts – 3640 W Big Beaver –  
Parcel 2-N, Project – Adams to Coolidge - Project # 93.207.6

Parcel 2-N located at 3640 W Big Beaver, in the Adams to Coolidge Road Improvement Project is a parcel involved in condemnation litigation and is owned by Frank A. Winay and Nancy A. Winay. A payment of \$38,551.87 was made on March 1, 2001, of which \$12,351.87 the amount of the first tree appraisal was included in this payment. The first tree appraisal dated November 14, 2000, for 3640 West Big Beaver did not include all trees in the right of way area that needed to be acquired for the project.

A second appraisal was done dated August 8, 2001, which included both the previous appraised trees and trees that had not been included, but should have been. This appraisal amount was \$26,835.20 of which \$12,351.87 has been paid with a balance remaining of \$14,483.33.

After construction began, an additional large tree needed to be removed and was appraised in the appraisal dated December 3, 2001, in the amount of \$2,481.95. The amount necessary to finish paying for the removed trees at 3640 W Big Beaver is \$14,483.33 and \$2,481.95 for a total of \$16,965.28.

This parcel is still in litigation and this is not a final settlement. Funding for payment will be from Adam to Coolidge Improvement Project # 93.207.6 funds.

DCS/pg

**VALUATION STATEMENT PARTIAL ACQUISITION**

DATE: December 7, 2000

FEE OWNER(S):  
Frank A. Winay and Nancy A. Winay, his wife

OTHER INTEREST(S): Executec Mortgage Corp  
Michigan National Bank

Your property has been appraised with values determined from current market data. The compensation offered and set forth in this statement is not less than the approved appraised value. The appraisal(s) used in establishing this compensation have been reviewed with you. The compensation disregards any decrease or increase in the fair market value caused by the project for which this property is being acquired.

*If there are multiple parties of interest, a single offer of compensation is made. The compensation distribution is to be determined by agreement of the parties of interest, or by a court, if the parties interested in the property cannot agree.*

**Market Value Compensation:**

Real Property

\$10,100.00

Damages

\$12,000.00

Improvements(Drive &amp; lawn)

\$4,100.00

Trees &amp; Shrubs

\$12,351.87

\$

\$

Total Compensation for Right of Way

\$38,551.87

Uneconomic Remainder

\$

**IMPROVEMENT IDENTIFICATION**

Following are the buildings, structures, and fixtures which are considered part of the real property and are included in the compensation:

DESCRIPTION

RETENTION VALUE

OWNERSHIP (If different than fee owners.)

**PERSONAL PROPERTY**

The following personal property within the area of the acquisition is not being acquired: (No values for these items are included in the purchase price.) You will be compensated for the reasonable moving expenses for that property as provided in federal regulations.

CONTROL SECTION  
#88-20-19-377-016

PARCEL  
2N

NAME  
Winay

JOB NO.  
93.207.6

FED. ITEM NO.  
Control Section EDCF 63544

FED. PROJ. NO.  
Job Number 36385A



# City of Troy

## Public Works Department

### Memo

Date: August 8, 2001

To: Dennis Stephens, Right of Way Representative

From: Timothy Richnak, Superintendent of Streets and Drains

Re: Tree & Shrub Evaluations for  
3640 W. Big Beaver Road

On August 8, 2001, I visited the location indicated above and evaluated all of the plant material indicated below and established the following values.

Quantity	Botanical Name	Tag #	Common Name	Size	Total Value
91	Ligustrum o. regelianum		Regal's Privet	4 1/2' - 5'	\$6,091.31*
1	Picea pungens glauca		Blue Spruce	10 1/2" D.B.H.	271.40
2	Picea pungens glauca		Blue Spruce	8" D.B.H.	315.10*
1	Picea pungens glauca		Blue Spruce	9" D.B.H.	199.40
1	Picea pungens glauca		Blue Spruce	9 1/2" D.B.H.	222.17
1	Fraxinus alba		White Ash	25 1/2" D.B.H.	5,252.49
1	Picea pungens glauca		Blue Spruce	7" D.B.H.	60.31
1	Picea pungens glauca		Blue Spruce	14" D.B.H.	482.50
1	Picea pungens glauca		Blue Spruce	12" D.B.H.	531.74
1	Picea pungens glauca		Blue Spruce	12" D.B.H.	354.49
1	Picea pungens glauca		Blue Spruce	7" D.B.H.	120.64
1	Morus alba var.		Mulberry Var.	36" D.B.H.	4,783.97
1	Acer platanoides		Norway Maple	29" D.B.H.	8,149.68
	Total				\$26,835.20

- # 12,351.87  
- # 14,483.33  
# 2,481.95  
# 16,965.28

TOTAL AMOUNT  
TO BE PAID FOR  
TREES. -



# City of Troy

## Public Works Department

### Memo

Date: November 14, 2000  
To: Dennis Stephens, Right of Way Representative  
From: William R. Need, Public Works Director  
Re: Tree & Shrub Evaluation for  
3640 W. Big Beaver Road

On November 8, 2000, I visited the location indicated above and evaluated all of the plant material indicated below and established the following values.

Quantity	Botanical Name	Tag #	Common Name	Size	Total Value
91	Ligustrum o. regelianum		Regal's Privet	4 1/2' - 5'	\$6,091.31*
1	Picea pungens glauca		Blue Spruce	10 1/2" D.B.H.	271.40
2	Picea pungens glauca		Blue Spruce	8" D.B.H.	315.10*
1	Picea pungens glauca		Blue Spruce	9" D.B.H.	199.40
1	Picea pungens glauca		Blue Spruce	9 1/2" D.B.H.	222.17
1	Fraxinus alba		White Ash	25 1/2" D.B.H.	5252.49
	Total				\$12,351.87

\*Combined total for plant materials of same size, species, and condition.

*Amount  
Previously Paid*



# Memo

On December 3, 2001 I reviewed photos of the location indicated above and evaluated the additional plant materials described below.

Still to  
be paid

**F-7 Request for Unconditioned Offers – Fee, Permanent Easements and Temporary Construction and Regrading Permits/Easements - West Big Beaver Improvement Project – Adams to Coolidge - Project #93.207.6 - Parcel #1-N thru 3-N and 1-S thru 6-S**

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Resolution #2000-562  
Moved by Pallotta  
Seconded by Allemon

WHEREAS, In order to proceed on schedule with the Big Beaver Improvement Project from Adams to Coolidge, Project #93.207.6, it is necessary for the City to obtain the needed permanent and temporary rights to complete the project as outlined in the memorandum of November 29, 2000, from the Real Estate and Development Department;

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**CITY COUNCIL MINUTES - DRAFT**

**December 4, 2000**

**F-7 Request for Unconditioned Offers - Continued**

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BE IT RESOLVED, That the Real Estate and Development Department is hereby authorized to make unconditioned offers for the needed permanent and temporary right of way on Parcels #1-N thru 3-N and 1-S thru 6-S in the amounts of the appraisals, which are outlined in the Department memo of November 29, 2000, a copy of which is attached and shall become part of these Minutes; plus closing costs, and the value of any trees and/or shrubs severely damaged and/or destroyed in the temporary areas as a result of the City's project; and

BE IT FURTHER RESOLVED, That the City Attorney is hereby authorized, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Stine, Pallotta, Allemon, Kaszubski, Schilling Stevens  
No: Howrylak

December 4, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration  
Jeanette Bennett, Purchasing Director

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option –  
Gasoline And Diesel Fuel Contracts

### **RECOMMENDATION**

On January 10, 2000, the City Council approved two (2) year contracts for Gasoline and Diesel Fuel with Barrick Enterprises and Atlas Oil Company, which includes an option to renew for two (2) additional years (Res# 2000-20). The Purchasing Department recommends accepting the two-year option exercised by the host city, Sterling Heights, for the Tri-County Purchasing Cooperative of which Troy is a member city. The contracts will expire on January 31, 2004 under the same terms and conditions. The factors originally bid will remain the same and are as follows—

<b>Barrick Enterprises, Inc</b>	<b>Truck Transport Delivery</b>
Unleaded Gasoline	\$.01815/gal
Unleaded Mid-Grade	\$.01815/gal
Unleaded Premium	\$.01815/gal
Premium Diesel #1	\$.03565
Premium Diesel #2	\$.03565
Diesel #2	\$.02565
80/20 Blend	\$.02765

<b>Atlas Oil Company</b>	<b>Tank Wagon Delivery</b>
Unleaded Gasoline	\$.16855/gal
Unleaded Mid-Grade	\$.16855/gal
Unleaded Premium	\$.16855/gal
Premium Diesel #2	\$.19355
Diesel #2	\$.16855

### **SUMMARY**

The City of Sterling Heights has based the award on the lowest factor quoted per type of fuel delivery plus the *Platt's Oilgram Price Report* (Platt's) average which, when extended by the total number of gallons, yields the estimated total annual cost. Since gasoline prices cannot be held firm for any length of time, this method allows both parties to enter into an adjustable contract for a lengthy period of time.

### **MARKET SURVEY**

A market survey is not deemed necessary for the following reasons: 1) As stated in the Agenda Statement letter submitted by Sterling Heights, due to current fluctuations in gasoline over the past few months, it would be difficult to duplicate the same discount factors as obtained two years ago. 2) As of October 16, 2001, Cooperative cities are paying approximately \$.50 per gallon less than current consumer pump prices.

### **BUDGET**

Funds for this contact are available in the Motor Pool Operating Budget.

Prepared by: Susan Leirstein, CPPB, Buyer

**AGENDA STATEMENT**

OMB AS03 Rev. 8/99

**Item Title:** Award of a Two-year Extension of Cooperative Bid for Gasoline and Diesel Fuel**Submitted By:** Office of Purchasing**Contact Person/Telephone:** Janice Sierzenga, 446-2741**Administration (initial as applicable)****Attachments**

___ Management & Budget Director	___ Resolution	___ Minutes
___ City Attorney (as to legal form)	___ Ordinance	___ Plan/Map
___ City Manager	___ Contract	___ Other

☐ Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office**Special Notes:****Executive Summary:**

The City of Sterling Heights hosts a cooperative gasoline bid that includes over 13 communities in the tri-county area. In December 1999, Council awarded the bid to Barrick Enterprises for truck transport deliveries and Atlas Oil Company for tank wagon deliveries. Both companies have worked out very well over the last two years. In the original bid, there was an option to extend the contract for an additional two years, upon mutual agreement. Due to the current fluctuations in gasoline over the past few months it would be difficult to duplicate the same discount factors as obtained two years ago. As of October 16, 2001 the City was paying approximately \$.50 per gallon less than current consumer pump prices. This contract expires in January 2002, and with the extension it will run through January 2004. Attached are letters from Barrick and Atlas Oil indicating that they are agreeing to honor the terms and conditions of the original bid and hold their prices firm for an additional two years.

**Suggested Action:**

MOVED BY:

SECONDED BY:

Resolved to extend the contract for a cooperative bid for gasoline and diesel fuel to Barrick Enterprises, 4307 Delemere Court, Royal Oak, MI 48073 for truck transport delivery and to Atlas Oil Company, 24501 Ecorse Road, Taylor, MI 48180 for tank wagon deliveries under the same terms and conditions of the original bid for an additional two years through January 2004.



**CITY OF STERLING HEIGHTS**  
**STAFF REPORT**  
November 7, 2001

Prepared By: Janice Sierzenga, Purchasing Manager

Ext. No. 2741

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**GENERAL INFORMATION:**

On November 30, 1999, bids were received for the gasoline and diesel fuel cooperative bid. Invitations to Bid were sent to 34 vendors, the Chamber of Commerce, advertised on Cable Channel 5 and published in the Advisor/Source newspaper. Five vendors responded, four with bids and one "no bid" as outlined in the attached bid tabulation. Funds for this contract have been allocated in Org. #11744553 (Fleet Maintenance), Account 750000 (Fuels and Lubricants).

**STAFF ANALYSIS AND FINDINGS:**

Both Barrick and Atlas Oil have worked very well with all of the Cities and have not received any complaints over the past two years.

**STAFF RECOMMENDATION:**

Resolved to extend the contract for a cooperative bid for gasoline and diesel fuel to Barrick Enterprises, 4307 Delemere Court, Royal Oak, MI 48073 for truck transport delivery and to Atlas Oil Company, 24501 Ecorse Road, Taylor, MI 48180 for tank wagon deliveries under the same terms and conditions of the original bid for an additional two years through January 2004.



October 2, 2001

Ms. Janice Sierzenga  
City of Sterling Heights  
40555 Utica Road  
P.O. Box 8009  
Sterling Heights, MI 48311-8009

Dear Ms. Sierzenga:

Barrick Enterprises, Inc. wishes to extend our bid with the Tri-County Cooperative for an additional two years. The Terms and Conditions of the original bid will remain the same.

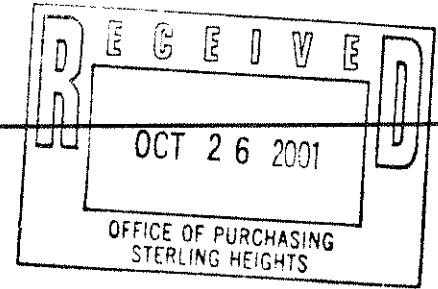
Feel free to call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Barrick".

Robert L. Barrick  
President

RLB: vm



October 22, 2001

City of Sterling Heights  
Dept. of Finance-Purchasing  
Attn: Janice Sierzenga  
40555 Utica Road  
Sterling Heights, Mi. 48311-8009

Dear Jan,

This letter is to confirm our conversation to extend our fueling contract for an additional two years. This new contract will be valid through January 31, 2004.

Thank you for allowing the Atlas Oil Company to extend this contract and we look forward to continuing our relationship with the City of Sterling Heights.

If there are any further questions regarding this matter, please do not hesitate to call me at (313) 220-4696.

Sincerely,

Gerald A. Lock  
Senior Account Executive

**AGENDA STATEMENT**

OMB AS03 Rev. 8/99

**Item Title:** Award of Cooperative Bid for Gasoline and Diesel Fuel**Submitted By:** Office of Purchasing**Contact Person/Telephone:** Janice Sierzenga, 446-2741**Administration (initial as applicable)****Attachments**

\_\_\_ Management & Budget Director  
\_\_\_ City Attorney (as to legal form)  
\_\_\_ City Manager

\_\_\_ Resolution      \_\_\_ Minutes  
\_\_\_ Ordinance      \_\_\_ Plan/Map  
\_\_\_ Contract      \_\_\_ Other

**Special Notes:**

The City of Sterling Heights hosts a cooperative gasoline bid that includes over 13 communities in the Tri-County area. Barrick Enterprises, Inc. is the low bidder for truck transport and Atlas Oil Company is the low bidder for tank wagon. Atlas has been the tank wagon vendor for the past four years and makes deliveries under 5,000, and Barrick, who has held the contract since 1993, delivers fuel over 5,000 gallons. Both vendors have been extremely reliable. This year Novi, Warren and Waterford were included in the totals, which increased to an estimated total usage of 1,076,000 gallons over the previous contract. A number of other nearby communities are also piggybacking off this contract.

**Executive Summary:**

On November 30, 1999 bids were received by the City of Sterling Heights for a cooperative bid for gasoline and diesel fuel. Invitations to bid were sent to 34 vendors for the two year contract with an option to extend, upon mutual agreement, for two additional years. The cooperative entities who are participating in this bid are the cities of Birmingham, Farmington Hills, Livonia, Madison Heights, Novi, Royal Oak, Southfield, St. Clair Shores, Sterling Heights, Troy, Warren, Waterford and West Bloomfield Township. Bids were based on Platt's Oilgram Price Report which is shown in detail on the attached Exhibit A. Prices charged to the municipalities fluctuate with the market conditions. Prices paid are substantially lower than consumer pump prices.

**Suggested Action:****MOVED BY:****SECONDED BY:**

Resolve to split the award of the cooperative bid for gasoline and diesel fuel at unit prices as follows:

Barrick Enterprises, Inc., 4307 Delemere Ct., Royal Oak, MI 48073, truck transport deliveries at bid factors of:

Unleaded Gasoline	\$.01815/gal	Premium Diesel #1	\$.03565
Unleaded Mid-Grade	\$.01815/gal	Premium Diesel #2	\$.03565
Unleaded Premium	\$.01815/gal	Diesel #2	\$.02565
		80/20 Blend	\$.02765

and to Atlas Oil Company, 24501 Ecorse Road, Taylor, MI 48180, tank wagon deliveries at bid factors of:

Unleaded Gasoline	\$.16855/gal	Premium Diesel #2	\$.19355
Unleaded Mid-Grade	\$.16855/gal	Diesel #2	\$.16855
Unleaded Premium	\$.16855/gal		

**CITY OF STERLING HEIGHTS**  
**STAFF REPORT**  
December 21, 1999

Prepared By: Janice Sierzenga, Purchasing Manager

Ext. No. 2741

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**GENERAL INFORMATION:**

On November 30, 1999, bids were received and opened for the gasoline and diesel fuel cooperative bid. Invitations to Bid were sent to 34 vendors, the Chamber of Commerce, advertised on Cable Channel 5 and published in the Advisor/Source newspaper. Five vendors responded, four with bids and one "no bid" as outlined in the attached bid tabulation. Funds for this contract have been allocated in Fund 101, Activity 5530 (Fleet Maintenance), Account 750.000 (Fuels and Lubricants).

**STAFF ANALYSIS AND FINDINGS:**

I have reviewed the bid received and have spoken to staff from Fleet Maintenance who have had no complaints in regard to the vendors over the past four years.

**STAFF RECOMMENDATION:**

Resolve to split the award of the cooperative bid for gasoline and diesel fuel at unit prices as follows:

Barrick Enterprises, Inc., 4307 Delemere Ct., Royal Oak, MI 48073, truck transport deliveries at bid factors of:

Unleaded Gasoline	\$.01815/gal	Premium Diesel #1	\$.03565
Unleaded Mid-Grade	\$.01815/gal	Premium Diesel #2	\$.03565
Unleaded Premium	\$.01815/gal	Diesel #2	\$.02565
		80/20 Blend	\$.02765

and to Atlas Oil Company, 24501 Ecorse Road, Taylor, MI 48180, tank wagon deliveries at bid factors of:

Unleaded Gasoline	\$.16855/gal	Premium Diesel #2	\$.19355
Unleaded Mid-Grade	\$.16855/gal	Diesel #2	\$.16855
Unleaded Premium	\$.16855/gal		

**CITY OF STERLING HEIGHTS**

**BID TABULATION — NOVEMBER 30, 1999**

**COOPERATIVE GASOLINE CONTRACT - TANK WAGON**

Item	Qty/Gal	Atlas Oil* #	Spencer Oil* ‡
Unleaded	69,500	.16855	.20
Unleaded Mid-Grade	35,500	.16855	.20
Unleaded Premium	8,000	.16855	.20
Diesel #1	0	.16855	.20
Premium Diesel #2	78,000	.19355	.22
Diesel #2	16,000	.16855	.20
Totals	<u>207,000</u>	<u>\$172,145.50†</u>	<u>\$179,732.00</u>
Minimum quantity		250 gal	250 gal
Volume, S.E. Michigan		40,000,000	25,000,000
Delivery		24 hours	24 hours
Terms		net 30 days	net 30 days
Proof of insurance		copy submitted	none submitted

\* Includes MUSTFA in pricing

# Alternate fuel offered in place of 80/20 blend, factor stated .0250

† Figure adjusted by Purchasing

‡ DISQUALIFIED: Bid not based on Platts

**NO BID: EASTERN OIL CO.**

**CITY OF STERLING HEIGHTS**

**BID TABULATION — NOVEMBER 30, 1999**

**COOPERATIVE GASOLINE CONTRACT - TRUCK TRANSPORT**

Item	Qty/Gal	Barrick Enterprises#†	Petroleum Traders#	Atlas Oil*	Spencer Oil#†
Unleaded	834,000	.01815	.01955	.04055	.07875
Unleaded Mid-Grade	455,000	.01815	.01785	.04055	.07875
Unleaded Premium	797,000	.01815	.02385	.04055	.07875
Diesel #1	13,500	.03565	.01765	.04055	.07875
Premium Diesel #2	394,500	.03565	.04445	.04305	.08875
Diesel #2	296,500	.02565	.02945	.04055	.07875
Totals	<u>2,790,500</u>	<u>\$1,993,496.84</u>	<u>\$2,003,322.22</u>	<u>\$2,047,626.40</u>	<u>\$2,184,906.89</u>
Short load (5,000 - 9,000)		\$50.00 (<8,000)	\$100.00	.01/gal	.03/gal
Volume, S.E. Michigan		50,000,000	1,000,000	40,000,000	25,000
Delivery		24 hours	24 hours	24 hours	24 hours
Terms		net 30 days	net 30 days	net 30 days	net 30 days
Proof of insurance		copy submitted	none submitted	copy submitted	copy submitted

\* Includes MUSTFA in pricing

# Adjusted by Purchasing to include MUSTFA in pricing

† DISQUALIFIED: Bid not based on Platts

‡ Barrick bid an 80/20 blend of 80% diesel #2 and 20% diesel #1 (including MUSTFA at .00875) for a final factor of .02765

**NO BID: EASTERN OIL CO.**

*adjusted*



Exhibit A  
City of Sterling Heights Invoiced Prices

The following example provides a breakdown of the prices that the City would invoice if a delivery was made on Monday October 25, 1999 with the factors provided by the recommended bidders. This day was used because it was the date stipulated in the bid form as the date for all price information to be supplied and used by the bidders.

Truck Transport Delivery:

	<u>Platt's Average 10/25</u>	<u>*Factor</u>	Example: Deliver 10/25 <u>City of Sterling</u> <u>Heights Price</u>
Unleaded	.6545	.01815	\$ .67265
Unleaded Mid-grade	.6879	.01815	\$ .70605
Premium Unleaded	.7271	.01815	\$ .74525
#1 Diesel	.8320	.0356	\$ .86765
#2 Diesel Premium	.7003	.0356	\$ .7359
#2 Diesel	.7003	.0256	\$ .7259

\*MUSTFA OF .00875 Added to Factor of .0094

Tankwagon Delivery: (5,000 Gallon Deliveries or less)

	<u>Platt's Average 10/25</u>	<u>Factor</u>	<u>City of Sterling</u> <u>Heights Price</u>
Unleaded	.6545	.16855	\$ .8231
Unleaded Mid-grade	.6879	.16855	\$ .8565
Premium Unleaded	.7271	.16855	\$ .8957
#2 Diesel Premium	.7003	.19355	\$ .8939
#2 Diesel	.7003	.16855	\$ .8689

Notes

1. The Platt's Average is determined by taking the published high and low price on the day of delivery and dividing by 2. This figure can and does change daily. When a company invoices, the Platt's Oilgram Price Report for the day of delivery is attached to the invoice.
2. The factor remains constant for the life of the contract.
3. The price charged the City fluctuates with market conditions. As can be seen in this example, the price the City pays is substantially below consumer pump prices.
4. The Platt's prices for October 25, 1999 are actually published in the Platt's dated October 26, 1999. The bid document specifies and fully describes the dates to be used.

# US Wholesale Posted Prices

Wholesale prices, FOB refineries, pipeline terminals and inland waterway barge terminals. At most points bulk consumer prices are slightly above.  
Discounts or temporary allowances which may be offered by individual companies are not included in posted prices. All prices are provided by *Acme Petroleum*.

PAD1	Regular	Unleaded	Midgrade	Premium Unleaded	Kerosene No.1 Fuel	Diesel No.2 Fuel	Low Sulfur No. 2 Diesel
MetroNY*						+77.30-77.30+	+79.00-79.00+
N.New Jersey*						+73.40-79.05+	-75.50-79.20-
Albany(d)		+74.46-80.05	+77.40-83.40-	+81.75-90.05	84.10-93.30-	+74.95-77.74-	-78.35-86.97-
Atlanta(d)		+73.60-78.85	-75.51-83.35-	-80.10-87.15-		+72.55-74.00+	-75.40-77.35-
Baltimore		+76.70-81.10	+79.41-84.70	+83.70-89.20		+72.65-75.35-	+76.60-77.45+
Boston*					89.50-154.15	+75.00-76.60-	-77.06-94.60
Charleston		+75.75-77.90-	-78.18-81.70-	-82.75-88.75	+79.05-82.80+		77.75-81.80+
Greensboro,NC(d)		+73.00-76.40	-75.72-80.00	-80.20-86.90	+75.75-80.35+	70.75-73.95+	76.80-79.35+
Miami		-74.90-80.90	-77.37-84.90-	-81.90-90.10-		+85.60-88.00+	-82.80-85.20-
New Haven*							
Norfolk		+74.90-79.00-	+77.70-82.55-	-81.40-90.40+		+72.75-74.10+	+76.40-78.10-
Philadelphia*					82.60-97.70-	-72.35-77.10-	76.15-78.60-
Pittsburgh(d)		+73.50-79.55-	78.05-82.95-	+80.75-87.55-	+90.75-100.20+	75.15-78.60+	+82.00-96.10+
Portland,ME(d)		-74.26-80.60-	-77.11-84.25-	+82.16-90.30-		+74.40-82.10	+78.00-78.75+
Savannah		+75.60-78.20	+78.35-83.20	83.00-90.20		+77.40-77.40+	-78.65-81.00+
Spartanburg(d)		+74.35-76.40	-77.35-79.90	+82.00-86.40	-76.40-90.50+	+72.75-77.50+	+73.40-79.15+
Tampa		-74.00-80.75	-76.42-84.75-	-81.00-89.25-	-94.85-107.85-	-72.90-78.50+	-77.25-81.60-
Wilmington,NC		+76.00-77.80-	-78.20-82.30-	-82.25-89.20-		78.50-86.60-	-77.90-81.85-

## PAD2

Chicago	-78.50-81.25	-82.96-82.96-	-88.55-93.50-	88.40-96.20-	+75.25-86.75+	+75.85-87.10+
Columbus	-77.50-80.60+	-80.40-84.10+	-86.00-96.80-	-94.85-103.50+	-77.45-80.75-	-85.85-89.10-
Des Moines(d)	-76.75-80.30+		+84.25-89.55+		+80.00-85.75+	+81.00-85.18+
Detroit	-75.90-79.25-	-78.70-84.25	-84.40-87.25	+95.00-95.00+	76.90-78.20-	+85.90-90.50+
Mpls/St.Paul(a,d)	75.50-78.60-	-78.30-84.00-	-82.50-89.50-	+84.70-103.25+	+78.95-83.50+	+80.70-85.40+
Oklahoma(d)	+73.75-77.25-	+76.75-80.70+	80.25-90.15		+78.90-78.90+	+77.35-81.90
St.Louis(d)	+77.00-81.40+	+80.50-84.90+	+84.75-90.40+	+86.95-90.50+	+75.65-77.20+	81.95-85.60+

## PAD3

Albuquerque(d)	-85.00-91.50		-92.00-100.50-			-80.00-84.75-
Amarillo(d)	+81.20-85.50+	+86.50-90.50+	-90.00-94.50+		-81.80-81.80-	+79.30-82.05-
Arkansas(d)	+74.40-79.30	+77.85-83.30-	+82.85-88.10-		-73.70-77.85+	-76.70-83.75-
Birmingham(d)	-73.40-78.75	+77.35-82.75-	-80.55-87.25-	-79.15-79.15-	+71.80-73.50+	+75.15-76.80-
Corpus Christi(d)	+74.39-76.75-	-77.39-80.55-	-82.39-86.50-	+78.25-80.15	+71.45-72.30+	+74.30-76.10+
Dallas/Ft. Worth	+76.40-80.25		+83.40-90.25		+78.76-79.75+	+76.90-99.00+
Houston*				80.75-85.40-	72.30-75.50+	+74.45-78.00
N.Orleans Area(d)	-73.00-78.70	-76.25-82.70-	-81.00-88.65-		+69.35-93.40+	+74.30-77.45-

## PAD4

Billings(d)	-92.00-94.10-	-97.60-97.60-	-104.00-105.10-			90.59-93.10-
Casper(d)	88.50-91.55-		-98.00-103.50-			88.65-91.24
Denver(d)	-77.85-80.80-	-81.35-84.85-	-86.35-89.55-	+90.50-94.00+	-78.50-81.00-	+79.75-84.70+
Salt Lake(d)	-97.00-101.50-		-107.00-111.50-		-87.90-88.90-	-88.90-90.80-

## PAD5

Los Angeles(e)	+80.00-116.00-	+84.00-121.10-	+89.00-129.00-			-82.25-88.40-
Phoenix	-88.29-91.80	-89.00-111.10-	-94.00-120.60-			78.90-80.00-
Portland,OR	-78.00-95.40-	89.70-102.40-	87.30-110.40-	92.85-94.25-	76.80-79.05-	-76.75-81.00-
SanFran-EBay(e)	-84.50-92.50-	-88.50-97.50-	-93.50-105.50-			+79.50-89.00
Seattle/Tacoma	83.25-106.40-		93.00-118.40-			-77.00-78.25
Spokane(d)	-96.00-97.50-	-100.50-102.25-	-106.00-108.75-		-85.75-85.75-	-86.50-88.75-

## Reformulated Gasoline

	Unleaded	Midgrade	Premium Unleaded
MetroNY(d)	+84.05-84.05+	+87.10-87.10+	92.50-92.50
N.New Jersey(d)	+78.90-84.30+	+81.05-85.15+	+83.30-97.80+
Albany(d)	-88.29-91.80	-90.09-95.30	-94.20-100.90
Baltimore	+83.75-85.25-	+86.50-89.70-	+88.00-97.55+
Boston(d)	-76.55-87.10	-78.40-90.30	+80.70-98.00-
New Haven(d)	79.30-84.30-	81.30-92.28-	84.70-95.80+
Norfolk	+83.40-86.80	+86.55-89.36	+91.60-94.80
Philadelphia(d)	79.85-85.40	81.85-87.30	85.85-94.05+
Chicago(g)	95.50-99.00-	98.60-98.60	104.60-111.00-
Dallas/Ft. Worth	83.90-115.00	87.15-96.45+	-92.90-125.00
Houston	+82.00-87.90+	+85.15-92.40+	+90.75-98.40+

(a)=Includes oxygenated gasoline. (b)=Includes low sulfur kero. (c)=Includes 7.8 RVP. (d)=Includes branded gasoline. (e)=CARB gasoline/No.2 oil. (g)=Ethanol blended gasoline\*Conventional gasoline no longer at the location. All wholesale prices are in Cts/Gal.

## Atlantic & Gulf Coast Resid

		No. 4 Fuel		No. 6 Fuel
New York	0.3%	32.15-36.00	0.3%	30.50-31.00
Albany	1.5	32.75-32.75	1.5	28.65-28.65
	(x) 1.7			
Baltimore	1.0	32.50-32.50	1.0	26.00-26.00
Boston	0.5	-41.50-45.50	0.5	-37.25-42.50
	1.0	-37.25-41.25	1.0	-29.25-34.50
			2.2	31.00-31.00
New Haven	1.0	41.25-41.25	1.0	34.50-34.50
Norfolk	1.7	32.75-32.75	2.1	25.50-25.50
Philadelphia	0.5	27.25-27.25	0.5	23.75-23.75
Portland	1.5	41.25-41.25	2.5	31.60-31.60
Providence	1.0	-37.25-41.25	1.0	-29.25-34.50
Wilmington	1.7	31.00-31.00	2.1	24.00-24.00

(x) = No longer posting at this location.

December 4, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/ Services  
Jeanette Bennett, Purchasing Director  
William Need, Public Works Director

Subject: Standard Purchasing Resolution 1: Award To Low Bidder –  
One (1) 86,000 GVW Tri-Axle Dump Truck, 2002 Model

**RECOMMENDATION**

The Motor Pool Division recommends that City Council award a contract to purchase One (1) 86,000 GVW Tri-Axle Dump Truck, 2002 Model with 14-16 yard dump box, underbody scraper, front mounted snowplow and V-bottom salt spreader with hydraulic system, including the upgraded hydraulic and fuel tanks (from a 10 gauge to a 7 gauge thickness), to the low bidder, Wolverine Truck Sales, Inc., at an estimated total cost of \$133,969.00, at unit prices contained in the attached bid tabulation opened 11/14/01.

**BUDGET**

Funds are available in the Motor Pool Division Capital Account #565.7981

51 Bids Sent  
16 Bids Rec'd  
10 No Bids

Prepared by: Samuel P. Lamerato, Superintendent of Motor Pool

Opening Date -- 11/14/01  
Date Prepared -- 12/3/01

CITY OF TROY  
BID TABULATION  
ONE TRI-AXLE DUMP TRUCK

SBP 01-39  
Pg 1 of 2

VENDOR NAME:		** WOLVERINE TRUCK SALES, INC	MOTOR CITY TRUCKS	WOLVERINE FRTLINER EAST	REEFER PETERBILT
QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	86,000 GVW TRI-AXLE DUMP TRUCK IN ACCORDANCE WITH SPECIFICATIONS	\$ 133,824	\$ 134,990	\$ 138,943	\$ 140,454.21
	QUOTING ON:	MONROE	SHULTS EQ		MONROE
	MANUFACTURED BY:	LT-9513	LT-9513	ASTRO EQ	PETERBILT 357
	OPTIONAL: HYDRAULIC TANKS	STERLING	STERLING 2002	RS DUMP	PETERBILT
	ESTIMATED GRAND TOTAL--	\$ 145			
		** \$ 133,969			
	ALTERNATE #1:	ASTRO TRUCK	MONROE EQ	NBC TRUCK	NBC TRUCK
		\$ 138,173	\$ 134,321	\$ 142,976	\$ 144,541.21
	ALTERNATE #2:	SHULTS	ASTRO EQ	ARISTOCRAT DUMP	ASTRO EQ
		\$ 139,193	\$ 134,375		\$ 144,803.21
	ALTERNATE #3:	NBC TRUCK	NBC TRUCK		SHULTS
		\$ 142,611.0	\$ 138,408		\$ 147,923.21
	ATTACHMENTS ON ABOVE ITEM (Y-Yes, N-No)	YES	YES	YES	YES
	LOCATION:	DEARBORN, MI	SCHOOLCRAFT RD	GROESBECK	AUBURN HILLS
	No. of Miles from Troy	20	32	15	5
	TERMS:	NET 30	NET 15 DAYS	COD	15 DAYS NET
	WARRANTY:	ATTACHED TO BID	ATTACHED TO BID	NO EXCEPTIONS	ATTACHED TO BID
			1YR + ENG TRAN		
			DRIVE TRAIN 5 YRS	TO SPEC	
	DELIVERY DATE:	CHASSIS-90 DAYS ARO	120-170 DAYS	90 DAYS	60-190 DAYS
			DEPENDING ON VENDOR		DEPENDING ON MFG
	EXCEPTIONS:	NONE	NONE	SILICON	BLANK
		ON CHASSIS		COOLANT HOSES	
				N/A	

NO BIDS:  
Knapheide Truck Equipment  
Burke Construction Equip  
GTEC Truck Equipment  
Garber Chevrolet  
Shultz Equipment Co  
North River Truck & Trailer  
MTI Insulated Products  
Tri-County International Trucks  
Dean Sellers Ford  
Dueco, Inc

PROPOSAL -- Furnish One(1) 86,000 GVW Tri-Axle Dump Truck, 2002 Model  
in accordance with the specifications and drawing

\*\* DENOTES LOW BIDDER

ATTEST:  
Linda Bockstanz  
Cheryl Morrell  
Samual Lamerato

Jeanette Bennett  
Purchasing Director

Opening Date -- 11/14/01  
 Date Prepared -- 12/3/01

CITY OF TROY  
 BID TABULATION  
 ONE TRI-AXLE DUMP TRUCK

SBP 01-39  
 Pg 2 of 2

VENDOR NAME:		C&S MOTORS INC	VIP TRUCK		
			CENTER LLC		
			FORMERLY TRUESDELL TRUCK, INC		
QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	86,000 GVW TRI-AXLE DUMP TRUCK IN ACCORDANCE WITH SPECIFICATIONS	\$ 140,517	\$ 150,592		
	QUOTING ON:	MONROE	SHULTS EQ		
	MANUFACTURED BY:	2002 2574 6X4	VHD64B		
		INTERNATIONAL	VOLVO		
	ALTERNATE #1:	ASTRO	ASTRO		
		\$ 140,571	\$ 149,997		
	ALTERNATE #2:	NBC	NBC		
		\$ 144,604	\$ 154,010		
	ATTACHMENTS ON ABOVE ITEM (Y-Yes, N-No)	YES	YES		
	LOCATION:	WARREN/FLINT	LIVONIA		
	No. of Miles from Troy	18/50	33.1		
	TERMS:	NET 10	15 CALENDAR DAYS		
	WARRANTY:	ATTACHED TO BID	ATTACHED TO BID		
	DELIVERY DATE:	EST 150 DAYS ARO	LISTED IN BID		
	EXCEPTIONS:	LISTED IN BID	LISTED IN BID		

PROPOSAL -- Furnish One(1) 86,000 GVW Tri-Axle Dump Truck, 2002 Model  
 in accordance with the specifications and drawing

AM-DYN-IC FLUID POWER  
25340 TERRA INDUSTRIAL DR  
CHESTERFIELD MI 48051-5403

ATTN ANDREW MOORE  
WOLVERINE FREIGHTLINER EASTSIDE INC  
107 S GROESBECK  
MT CLEMENS MI 48043

ATTN GREG REEFER  
REEFER PETERBILT  
2645 AUBURN RD  
AUBURN HILLS MI 48321

AUTO TRUCK SERVICE EQUIPMENT  
3414 AURELIUS  
LANSING MI 48910

AUTOLINE INC  
5110 KERRY DRIVE SW  
ATLANTA GA 30331

BILL WINK CHEVROLET/GMC INC  
10700 FORD ROAD  
P O BOX 1286  
DEARBORN MI 48126

BOSTICK GMC TRUCK  
1368 JOSLYN AVENUE  
PONTIAC MI 48340

BURKE EQUIPMENT CO  
36000 MOUND ROAD  
P O BOX 8010  
STERLING HEIGHTS MI 48311-8010

C & S MOTORS INC  
113 S DORT HIGHWAY  
FLINT MI 48503-2892

C E POLLARD COMPANY  
13575 AUBURN STREET  
DETROIT MI 48223

CANNON EQUIPMENT  
2011 HEIDE  
TROY MI 48084-5383

DEALERS TRUCK EQUIPMENT  
24453 MOUND RD  
WARREN MI 48091

DEAN SELLERS FORD  
2600 W MAPLE ROAD  
TROY MI 48084

DUECO INC  
N4W22610 BLUEMOUND ROAD  
WAUKESHA WI 53186

ED RINKE CHEVROLET  
26125 VAN DYKE  
CENTER LINE MI 48015-0377

ED SCHMID FORD  
21600 WOODWARD  
FERNDALE MI 48220

G TEC TRUCK EQUIPMENT  
3040 WYOMING AVE  
DEARBORN MI 48120

GARBER CHEVROLET  
1700 N SAGINAW  
MIDLAND MI 48640

GOOD GMC  
P O BOX 9410  
4800 CLYDE PARK SW  
WYOMING MI 49509

GRAFF TRUCK CENTERS INC  
1401 S SAGINAW  
FLINT MI 48503

GREGWARE EQUIPMENT CO  
5085 ALPINE AVE N W  
P O BOX L  
GRAND RAPIDS MI 49501

HUNTINGTON FORD  
2890 S ROCHESTER ROAD  
ROCHESTER HILLS MI 48307

JAMES MARTIN CHEVROLET  
6250 WOODWARD  
DETROIT MI 48202

JEROME DUNCAN FORD  
8000 FORD COUNTRY LANE  
STERLING HEIGHTS MI 48313

JOE PANIAN CHEVROLET INC  
28111 TELEGRAPH ROAD  
SOUTHFIELD MI 48037-2147

JOHN SCHERER  
23615 OVERLOOK CIRCLE  
BINGHAM FIRMS MI 48025

JORGENSEN FORD  
8333 MICHIGAN AVE  
DETROIT MI 48210

KNAPHEIDE TRUCK EQUIPMENT  
4103 HOLIDAY DRIVE  
FLINT MI 48507

MIKE SAVOIE CHEVROLET  
1900 W MAPLE RD  
P O BOX 520  
TROY MI 48084

MILLER EQUIPMENT COMPANY  
31020 INDUSTRIAL ROAD  
LIVONIA MI 48150

MONROE TRUCK EQUIPMENT  
2400 REO DRIVE  
FLINT MI 48507

MOTOR CITY TRUCKS  
39300 SCHOOLCRAFT  
LIVONIA MI 48150

N B C TRUCK EQUIPMENT  
28130 GROESBECK  
ROSEVILLE MI 48066

NORTH RIVER TRUCK & TRAILER INC  
24411 NORTH RIVER ROAD  
P O BOX 732  
MT CLEMENS MI 48046

OLSON OLDSMOBILE NISSAN ISUZU TRUCK  
33850 PLYMOUTH ROAD  
LIVONIA MI 48150-1582

RED HOLMAN PONTIAC GMC  
35300 FORD ROAD  
WESTLAND MI 48185

ROYAL OAK FORD  
550 N WOODWARD  
ROYAL OAK MI 48067

RUSS MILNE FORD INC  
24777 WILLIAM P ROSSO HWY  
MACOMB MI 48042-5520

SCHERER TRUCK EQUIPMENT INC  
2670 AUBURN ROAD  
AUBURN HILLS MI 48326

SHULTS EQUIPMENT INC  
P O BOX 127  
1532 SOUTH STATE ROAD  
ITHACA MI 48847

TECO INC  
P O BOX 9247  
9733 INDIANAPOLIS ROAD  
FORT WAYNE IN 46809

TOM HOLZER FORD  
39300 W 10 MILE RD  
FARMINGTON HILLS MI 48335



TRI COUNTY INTERNATIONAL TRUCKS INC  
5701 WYOMING  
P O BOX 430  
DEARBORN MI 48121

TRI-COUNTY INTERNATIONAL EAST  
23508 GROESBECK HWY  
WARREN MI 48089-2604

TRUCK & TRAILER EQUIPMENT  
4214 MOUNT HOPE  
LANSING MI 48917

TRUCK & TRAILER SPECIALTIES  
6726 HANNA LAKE AVENUE SE  
DUTTON MI 49316

TUREX TELELECT  
600 OAKWOOD ROAD  
WATERTOWN SD 57201

VIP TRUCK CENTER LLC  
11757 GLOBE  
LIVONIA MI 48150-1133

WOLVERINE TRUCK SALES, INC.  
ATTN: KEN MALKOWSKI  
3550 WYOMING  
DEARBORN MI 48120-1425

December 7, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Steven Vandette, City Engineer

SUBJECT: Private Agreement for Pipefitters Training Center  
Project No. 01.940.3

The Engineering Department has reviewed and approved plans for this project, which includes water main, R.O.W. paving and approach.

The Owner has provided a check for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

'01 Projects\01.908.3\Private Agreement Cover Letter

cc: Tonni Bartholomew, City Clerk (Original Agreement)  
James Nash, Financial Services Director

Prepared by: G. Scott Finlay, P.E.  
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES  
PRIVATE AGREEMENT FOR PIPEFITTERS TRAINING CENTER  
PROJECT No. 01.940.3

The estimated costs of public improvements for the above mentioned project are as follows:

**Escrow Deposits:**

Water Main	\$11,070.00
Paving	<u>3,400.00</u>

**Total Escrow Deposits:** (letter of credit) **\$ 14,470.00**

**Cash Fees:**

Review & Inspection	\$ 882.67
Water Main Testing	<u>650.00</u>

**Total Cash Fees:** (check) **\$ 1,532.67**

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 01.940.3PROJECT LOCATION: SW ¼ SECTION 36

RESOLUTION NO. \_\_\_\_\_

DATE OF COUNCIL APPROVAL: \_\_\_\_\_

**KNOW ALL MEN BY THESE PRESENT;** That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Pipefitters Training Center, whose address is 636 Executive, Troy, MI 48083 and whose telephone number is (248)-585-0636 hereinafter referred to as "Owners".

**WITNESSETH, FIRST:** That the City agrees to allow the installation of water main, R.O.W paving and approach in accordance with plans prepared by Mickalich and Associates, Inc. whose address is 2359 Avon Industrial Dr., Rochester Hills MI 48309 and whose telephone number is (248)-852-1900 and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

**SECOND:** That the Owners agree to contribute the approximate contract price of \$14,470.00 This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

<u>Cash</u>	<input type="checkbox"/>
<u>Certificate of Deposit</u>	<input type="checkbox"/>
<u>Irrevocable Bank Letter of Credit</u>	<input type="checkbox"/>
<u>Check</u>	<input checked="" type="checkbox"/>

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the contractor by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

*	Plan Review and Construction Inspection Fee	\$882.67
	Water Main Testing Fee	\$650.00
	<b>TOTAL:</b>	<b>\$1,532.67</b>

\* 6.10% (.061) of approximate contract price

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT No. 01.940.3

PROJECT LOCATION: SW ¼ SECTION 36

COUNCIL RESOLUTION No.

DATE OF COUNCIL APPROVAL:

**THIRD:** The owners may contract for construction of said improvement or may have the City advertise for bids. In the event the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

**FOURTH:** Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$16,002.67 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

**FIFTH:** Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

**SIXTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 01.940.3PROJECT LOCATION: SW 1/4 SECTION 36

COUNCIL RESOLUTION No. \_\_\_\_\_

DATE OF COUNCIL APPROVAL: \_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

OWNERS

By:

Joseph Bourgeois TRUSTEEJoseph Bourgeois, Trustee

Please Print or Type

CITY OF TROY

By:

Matt Pryor, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

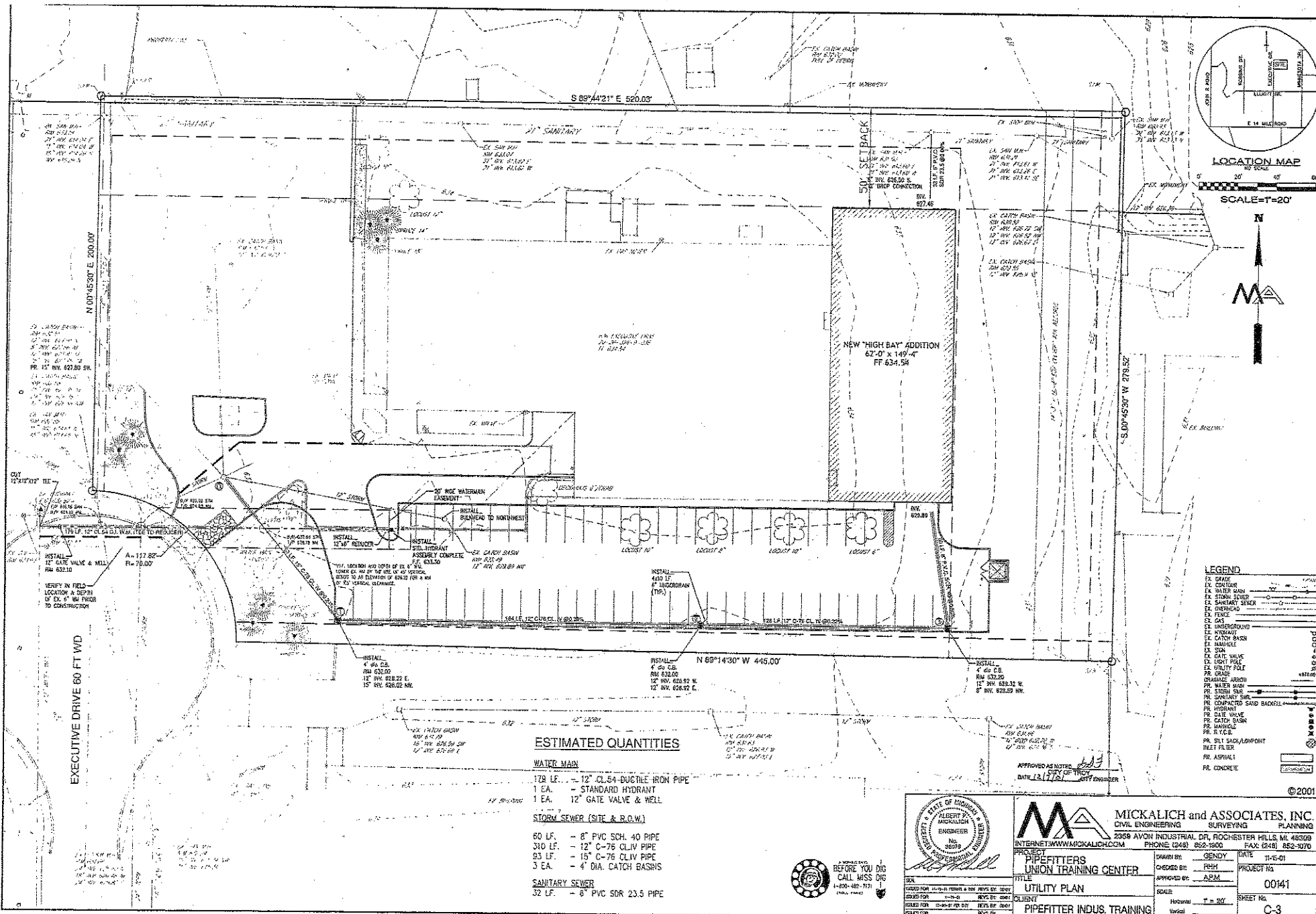
STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 7th day of December, A.D. 2001, before me personally appeared Joseph Bourgeois known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Helen M. Allen, Oakland County, Michigan

HELEN M. ALLEN  
Notary Public, Oakland County, MI  
My Commission Expires Jul. 31, 2005

My commission expires: July 31, 2005



- LEGEND**
- EX. GRADE
  - EX. CONCRETE
  - EX. WATER MAIN
  - EX. STORM SEWER
  - EX. SANITARY SEWER
  - EX. OVERHEAD
  - EX. GAS
  - EX. UNDERGROUND
  - EX. HYDRAULIC
  - EX. CATCH BASIN
  - EX. MANHOLE
  - EX. SIGN
  - EX. GATE VALVE
  - EX. LIGHT POLE
  - EX. UTILITY POLE
  - PR. GRADE
  - PR. CRUSHED AGGREGATE
  - PR. WATER MAIN
  - PR. STORM SEWER
  - PR. SANITARY SEWER
  - PR. COMPACTED SAND BACKFILL
  - PR. HYDRAULIC
  - PR. GATE VALVE
  - PR. CATCH BASIN
  - PR. MANHOLE
  - PR. R.T.C.B.
  - PR. SILL BACK/ADRIPOIT
  - PR. SILENT FILLER
  - PR. ASPHALT
  - PR. CONCRETE

### ESTIMATED QUANTITIES

- WATER MAIN**
- 178 LF. - 12" CL 54-DUCTILE IRON PIPE
  - 1 EA. - STANDARD HYDRANT
  - 1 EA. 12" GATE VALVE & WELL
- STORM SEWER (SITE & R.O.W.)**
- 60 LF. - 8" PVC SCH. 40 PIPE
  - 310 LF. - 12" C-76 CLIV PIPE
  - 93 LF. - 15" C-76 CLIV PIPE
  - 3 EA. - 4" DIA. CATCH BASINS
- SANITARY SEWER**
- 32 LF. - 6" PVC SDR 23.5 PIPE



<b>MICKALICH and ASSOCIATES, INC.</b> CIVIL ENGINEERING SURVEYING PLANNING 2368 AVON INDUSTRIAL DR., ROCHESTER HILLS, MI 48066 PHONE (248) 852-1900 FAX (248) 852-1070 INTERNET WWW.MICKALICH.COM		DRAWN BY: GENDY CHECKED BY: RHH APPROVED BY: APM SCALE: T=20' Horizontal: T=20' Vertical: T=20'	DATE: 11-05-01 PROJECT NO.: SHEET NO.: 00141 C-3
PROJECT: PIPEFITTERS UNION TRAINING CENTER TITLE: UTILITY PLAN CLIENT: PIPEFITTER INDUS. TRAINING			

© 2001

December 10, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Approval to Pay Business Relocation Claim  
Petro-Chem Equipment Sales, Inc. (Joseph W. Kabacinski)  
Proposed Fire Station #3 Expansion  
2300 West Big Beaver Road, Suite #12

In compliance with Michigan Laws and Federal Guidelines, businesses displaced by a public project are entitled to Relocation Benefits that include payments for actual reasonable moving costs, actual reasonable expenses to reestablish the business, and payment for actual reasonable expenses to search for a replacement property. The laws provide that the owner may choose instead to receive an "in lieu of" or "fixed payment" based on income. A fixed payment is equal to the business's average annual net earnings for the two years prior to displacement with a maximum payment amount of \$20,000.

Attached is a copy of a "Relocation Claim" for a fixed payment based on income filed by Joseph W. Kabacinski, the owner of one of the businesses that is being displaced from 2300 West Big Beaver Road. We have verified that the average net earnings for the years 1999 and 2000 exceeded \$20,000. Mr. Kabacinski plans to move his business to his home in Auburn Hills.

Therefore, the Real Estate & Development Department requests approval to pay the attached claim in the amount of \$20,000 (the maximum allowed) to Joseph W. Kabacinski. This payment will be made in lieu of payment for moving and other related relocation benefits. The funds will come from Bond Proposal B monies.

Att.



# RELOCATION CLAIM BUSINESS/NON-PROFIT/FARM

Information required by Act 31, P.A. 1970 as amended, and Act 277  
P.A. of 1972, to process payment.

City of Troy  
MDOT A677 (12/95)

CLAIMANT'S NAME: JOSEPH W. KABACINSKI

MAILING ADDRESS: 834 NICHOLS DR. AUBURN HILLS, MI 48326

ACQUIRED PROPERTY ADDRESS AND PHONE: PETRO-CHEM EQUIP SALES  
2300 W. BIG BEAVER RD. #12  
TROY, MI 48084

REPLACEMENT PROPERTY ADDRESS AND PHONE:

## CONTROLLING DATES

Date of first written offer:

Date of final payment:

Date of move:

Date move verified:

Claim must be filed by 18 months after date of move or final payment, whichever is later.

Date:

Listed below are relocation payments claimed in accordance with Act 31, PA 1970 as amended. For further information, please refer to the booklet "Your Rights and Benefits When Displaced by a City of Troy Project".

☐ Owner

☒ Tenant

☐ Business

☐ Farm

☐ Non-profit

☐ Landlord

Moving Expenses

Reestablishment Expenses

Fixed Payment ("In Lieu Of")

\$20,000.00

AMOUNT DUE:

\$20,000.00

I/We agree payment will be sent to:

834 NICHOLS DRIVE, AUBURN HILLS, MI 48326

I/We Certify that:

1. All information submitted is true and correct.
2. I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
3. I/We have vacated or will vacate the state acquired property.
4. I/We am/are a legal resident of the United States

Joseph W. Kabacinski  
Claimant's Signature

12-4-01  
Date

Claimant's Signature

Date

I Certify that I have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal Laws and the operating procedures of the City of Troy.

RECOMMENDED BY:

Patricia A. Pettit

DATE:

12-10-01

APPROVED BY:

DATE:

Remarks:

CONTROL SECTION

2300 W. BIG BEAVER

PARCEL

SUITE #12

NAME

PETRO-CHEM

JOB NUMBER

FED ITEM NUMBER

FED PROJ NUMBER

December 12, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Charles Craft, Chief of Police  
Gary Mayer, Police Captain  
George Zielinski, Police Sergeant

SUBJECT: Application for transfer of ownership from **JUMBO INVESTMENT, INC.**

**JUMBO INVESTMENT, INC.** has requested to transfer ownership of 2000 Class C licensed business, currently in escrow, with Dance Permit & Official Permit (Food), located at 1555 E. Maple, Troy, MI 48083, Oakland County, from **YEE'S INVESTMENT, INC.** [MLCC REF#104432]

The Liquor Advisory Board recommended approval of this application at its December 10th meeting. Present at that meeting to answer questions from the Board was Mr. Shetwai Seto, principal officer for Jumbo Investment, Inc. Mr. Seto advised this is an ownership transfer. The restaurant's operations and employees will remain the same.

The police department's background investigation of Jumbo Investment, Inc., and Yee's Investment, Inc., revealed no history of liquor violations since 1995. Consequently, we have no objection to this transfer.

Michigan Department of Consumer & Industry Services  
**LIQUOR CONTROL COMMISSION**  
7150 Harris Drive  
P.O. Box 30005  
Lansing, Michigan 48909-7505

**POLICE INVESTIGATION REQUEST**  
[Authorized by M.C.L. 436.1(4)]

To: Troy Police Department  
Chief of Police  
500 W Big Beaver Road  
Troy, MI 48084-5285

Date: July 17, 2001  
Request ID:104432

Chief Law Enforcement Officer

Applicant:

JUMBO INVESTMENT, INC.; Request to transfer ownership of 2000 Class C licensed business (in escrow) with Dance Permit, located at 1555 E. Maple, Troy, MI 48084, Oakland County, from Yee's Investment Inc.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

Please include fingerprint cards and \$15.00 for each card, and mail to the Michigan Liquor Control Commission.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

jm

LC-1972 Rev. 6/92  
4880-1658

**POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST**

(Authorized by MCL 436.7a)

**LIQUOR CONTROL COMMISSION**

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

**Important:** Please conduct your investigation as soon as possible and complete all four sections of this report.  
Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code) JUMBO INVESTMENT, INC., 1555 E. MAPLE, TROY, MI 48084,  
OAKLAND COUNTY

REQUEST FOR: Transfer ownership of 2000 Class C licensed business (in escrow) with Dance Permit  
& Official Permit (Food) from Yee's Investment Inc.

**Section 1. APPLICANT INFORMATION**

APPLICANT #1: SHETWAI SETO	APPLICANT #2: KWONG SHING TONG
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 22266 ARBOR LANE FARMINGTON HILLS, MI 48336 (H)(248)474-3674/(B)(313)390-5236	HOME ADDRESS AND AREA CODE/PHONE NUMBER: 595 RYMAL ROAD E, UNIT 52 HAMILTON, ONTARIO, CANADA L9C3B1 (H)(905)385-6239/(B)(905)385-6239
DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No o Does the applicant have a Visa? Enter status:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No o Does the applicant have a Visa? Enter status:
Date fingerprinted:	Date fingerprinted:

**Attach the fingerprint card and \$15.00 for each card and mail to the Liquor Control Commission.**

ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
---	---

**Section 2. Investigation of Business and Address to be Licensed**

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☐ No

Does applicant intend to have dancing or entertainment?  
☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

**Section 3. Local and State Codes and Ordinances, and General Recommendations**

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (Attach a signed and dated report if more space is needed)

**Section 4. Recommendation**

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should this request be granted by the Commission? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police)

Date

## REAL ESTATE OWNERSHIP STATEMENT

INSTRUCTIONS: To comply with Section 436.1523 and Section 436.1603 of the Michigan Liquor Control Code, applicants for a license are to complete this statement, sign, date and return it to the Licensing Division.

I, KWONG-SHING TONG, of 595 RYMAL ROAD EAST, UNIT 52  
**NAME STREET and NUMBER**

HAMILTON, ONTARIO

L8W 3V6

CANADA

**CITY OR VILLAGE**

**ZIP CODE**

**COUNTY**

KWONG-SHING TONG

**PRINT NAME OF APPLICANT**

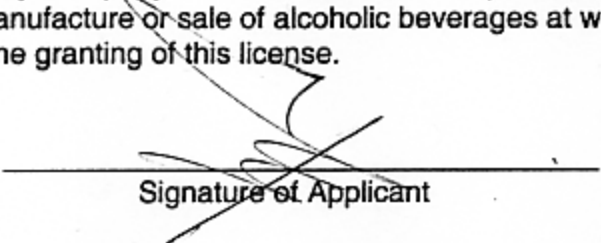
for a new or transfer of 2000 CLASS C LIQUOR LICENSED BUSINESS WITH DANCE PERMIT & OFFICIAL  
**TYPE OF LICENSE PERMIT (FOOD)**

From YEE'S INVESTMENT INC.  
**IF TRANSFER, NAME OF SELLER**

Located at 1555 E. MAPLE, TROY, MI 48083  
**BUSINESS ADDRESS**

make the following statements to the Michigan Liquor Control Commission:

1. Pursuant to MCL 436.1523 of the Liquor Code the owners of the above real estate, or each member of any partnership or Limited Liability Company, or stockholder of a Corporation (or their spouses) do not hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the state of Michigan, or any penal ordinance or resolution of any municipal subdivision of the State of Michigan (civil defense volunteer police, mayors, village presidents and members of city councils who are not considered law enforcement officers).
2. Pursuant to MCL 436.1603 of the Liquor Code the owners of the above real estate, or each member of any partnership or Limited Liability Company, or stockholder of a Corporation do not hold or have an interest in any license for the manufacture or sale of alcoholic beverages at wholesale in Michigan which would be in conflict with the granting of this license.

  
**Signature of Applicant**

Oct. 16, 2001  
**Date**

### **AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

This Agreement, made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and JUMBO INVESTMENT, INC., whose address is 1555 E. Maple, Troy, MI 48083, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer ownership of 2000 Class C licensed business (in escrow) with Dance Permit & Official Permit (Food) from Yee's Investment Inc.
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
  - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
  - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
  - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

\_\_\_\_\_  
Shetwai Seto

\_\_\_\_\_  
Kwong Shing Tong

JUMBO INVESTMENT, INC

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_  
County, \_\_\_\_\_  
My commission expires:

CITY OF TROY

By: \_\_\_\_\_  
Matt Pryor, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary Public, Oakland  
County, Michigan  
My commission expires:

# LCC

## Liquor Licensee History

Business name: **Jumbo International Buffet & Lounge**

Address: 1555 E. Maple (248) 524-9228

Licensee: Yee's Investment Inc. Watson Yee

License type: **Class C** (7501-2000)

Permits: Dance, Sunday Sales, Food

Comments:

Date	Troy Incident #	Type	Disposition	Date
7/26/93		Transfer License to Yee's		
5/20/94		Letter from LCC about serving after hours and serving minors.		
6/27/94		Additional letter with above complaints.		
<b>10/17/95</b>	<b>95-38402</b>	<b>Sale to minor Decoy Operation (Two Counts)</b>	<b>Fined \$500 \$250. per count</b>	<b>1/11/96</b>
3/21/96	95-38402	Council hearing	Retrn all emp within 60 Days.	
01/28/99	99-03947	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/23/99	99-23848	Compliance Test	PASSED	
11/23/99	none	Compliance Test	PASSED	
04/25/00	00-14162	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/12/00		Liquor Inspection (Road Patrol)	NO VIOLATIONS	
07/25/00	none	Compliance Test	PASSED	
10/17/00	00-38531	Compliance Test	PASSED	
11/16/00	00-42517	Compliance Test	PASSED	
03/05/01	MLCC	Class C license placed in <b>escrow</b> pending ownership transfer		



The meeting was called to order at 7:30 p.m. by Committee Member Thomas Sawyer in Conference Room C.

PRESENT: Thomas Sawyer  
David Balagna  
W. Stan Godlewski  
James Moseley  
James Peard  
Jennifer Gilbert, Student Representative  
Sergeant George Zielinski  
Lynn McDaniel, Clerk-Typist

ABSENT: Max Ehler  
John Walker

Moved by Moseley, seconded by Balagna, to EXCUSE the absent member(s).  
APPROVED unanimously

Moved by Balagna, seconded by Peard, to APPROVE the minutes of the November 12, 2001 meeting as printed.  
APPROVED unanimously

#### **AGENDA ITEMS:**

1. **JUMBO INVESTMENT, INC.** requests transfer of 2000 Class C licensed business (in escrow) with Dance Permit and Official Permit (Food), located at 1555 E. Maple, Troy, MI 48083, Oakland County, from Yee's Investment, Inc. [MLCC REF#104432]

Present to answer questions from the committee was Mr. Shetwai Seto representing Jumbo Investment, Inc.

Mr. Shetwai Seto stated that the manager and most employees will remain at the restaurant. Manager and present employees are trained in the TIPS program and any new employees hired will be trained in the TIPS program. Mr. Seto stated that the City of Troy has inspected building and found some electrical and plumbing problems that need to be fixed and Mr. Seto has agreed to take care of those violations by the end of this week. Mr. Sawyer stated that the transfer of the Class C license will be made contingent on compliance of the city inspections.

Mr. Balagna and committee members commended Mr. Shetwai Seto on running an establishment with no liquor violations for over three years.

Moved by Balagna, seconded by Moseley, to APPROVE the above request.  
APPROVED unanimously

2. **C. A. MUER CORPORATION** requests to transfer all stock through Merger (2001 licensing year) in 2001 Class C licensed business, located at 5498 Crooks, Troy, MI 48098, Oakland County, by dropping Anthony Adams (300 shares), Leo J. Beil (99,397 shares), Richard McMaster (1,200 shares), Gregory Ochoa (12,758

shares), Bruce Patterson (4,286 shares), Thomas J. Steiber (2000 shares), Scott C. Anderson (275 shares), Morris Huntley (20,515 shares), Robert Jones (2,000 shares), Alvin Plonka (400 shares), Bill Young (7,194 shares), Robert Zingle (67,902 shares), James Blake (19,026 shares), Ellen Daly (512 shares), Susan O'Neill (250 shares), Lorene Webster (4 shares), CB CAPITAL INVESTORS, INC. (659,191 shares), Robert A. Finkel (98,749 shares), Michael Carr-Turnbough (4,320 shares), James McIntyre (6,172 shares), MUER ACQUISITION LIMITED PARTNERSHIP (117,647 shares), Alan Mandel (6,172 shares), and Robert Ferngren (18,515 shares) through transfer of their 1,148,785 shares of stock to new stockholder, **HOSPITALITY PROPERTY GROUP, LLC**. All outstanding shares will be cancelled upon effective date, and new stockholder will be issued 100 shares. [MLCC REF #136094]

Present to answer questions from the committee was Mr. John Carlin, attorney for C. A. Muer Corporation.

Mr. Carlin stated that transfer of stocks will bring the restaurant back to the fine establishment it was when Mr. Chuck Muer was alive. Mr. Chase Morgan will remain an owner and Mr. Leo Beil will buy back shares.

Moved by James Peard, seconded by W. Stan Godlewski, to APPROVE the above request.  
APPROVED unanimously.

3. **7-ELEVEN, INC. (A TEXAS CORPORATION)** requests a new Specially Designated Distributor (SDD) license, to be located at 2891 Crooks, Troy, Michigan, 48084, Oakland County, to be held in conjunction with existing 2001 Specially Designated Merchant license. [MLCC REF#137558]

Present to answer questions from the committee was Mr. Harvey Blitz, Franchise Director and Assistant Secretary for 7-Eleven, Inc.

Mr. Blitz stated that the new franchise owner, Mr. Nisar Siddiqui, a 7-Eleven franchisee for 16 years, would like to create a new image for this establishment. By providing a need for customers to purchase liquor at this store, liquor will be sold behind the counter and will be at most eight feet in length. Mr. Siddiqui will only sell selected types of liquors, not hundreds of different brands. Employees will have to enter birthdates into computer to generate sale. Mr. Sawyer asked if the other 7-Eleven's in Troy sell liquor. Sgt. Zielinski stated that two other stores in Troy sell liquor and have a good record. Mr. Moseley asked for a schematic of the layout of the liquor counter. Mr. Blitz did not bring one for the committee.

Mr. Blitz stated that 7-Eleven uses the Come of Age Program, a training program taught by 7-Eleven for new employees. This program teaches employees how to recognize and how to refuse a liquor sale with no confrontation to the customer. The TIPS program is also used for the employees. Mr. Moseley stated the committee would love to see 7-Eleven be an exemplary example to other small business owners in Troy.

Committee members would like Mr. Siddiqui to attend January meeting and bring a schematic of the layout of the liquor counter of the store.

Moved by Moseley , seconded by Godlewski, to TABLE item to January 14, 2001 meeting. APPROVED unanimously.

Committee members decided to wait until January meeting to review new criteria. Committee members discussed setting up a study session in the first week of February to go over the new criteria page by page. A date for the study session will be decided at January, 2002 meeting. Committee asked Sgt. Zielinski to provide an informational letter for new quota applicants. Sgt. Zielinski was asked to put together a complete package that will be sent to a new applicant and bring a sample packet to January meeting for review.

Moved by Moseley, seconded by Balagna, to ADJOURN the meeting at 8:04 p.m. APPROVED unanimously

*LM/lm*

(2) The fees provided in this act for the various types of licenses shall not be prorated for a portion of the effective period of the license.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

**436.1527 Special license for nonprofit charitable organization; issuance; nontransferable; fee; auction.**

Sec. 527. (1) The commission may issue a special license to a nonprofit charitable organization that is exempt from the payment of taxes under the internal revenue code for the purpose of allowing the organization to sell, at auction, wine donated to the organization.

(2) A special license issued pursuant to subsection (1) is not transferable. The organization applying for the special license shall pay the fee required under section 525(1)(r).

(3) An auction permitted under subsection (1) may occur upon premises which are otherwise licensed under this act to allow the sale of alcoholic liquor for consumption on the licensed premises.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

**436.1529 Transfer of license or interest in license; notice of transfer of stock in licensed corporation or licensed limited partnership; investigation to ensure compliance; approval; transfer fee; inspection fee.**

Sec. 529. (1) A license or an interest in a license shall not be transferred from 1 person to another without the prior approval of the commission. For purposes of this section, the transfer in the aggregate to another person during any single licensing year of more than 10% of the outstanding stock of a licensed corporation or more than 10% of the total interest in a licensed limited partnership shall be considered to be a transfer requiring the prior approval of the commission.

(2) Not later than July 1 of each year, each privately held licensed corporation and each licensed limited partnership shall notify the commission as to whether any of the shares of stock in the corporation, or interest in the limited partnership, have been transferred during the preceding licensing year. The commission may investigate the transfer of any number of shares of stock in a licensed corporation, or any amount of interest in a licensed limited partnership, for the purpose of ensuring compliance with this act and the rules promulgated under this act.

(3) Except as otherwise provided in subdivisions (a) through (f), upon approval by the commission of a transfer subject to subsection (1), there shall be paid to the commission a transfer fee equal to the fee provided in this act for the class of license being transferred. A transfer fee shall not be prorated for a portion of the effective period of the license. If a person holding more than 1 license or more than 1 interest in a license at more than 1 location, but in the name of a single legal entity, transfers all of the licenses or interests in licenses simultaneously to another single legal entity, the transfers shall be considered 1 transfer for purposes of determining a transfer fee, payable in an amount equal to the highest license fee provided in this act for any of the licenses, or interests in licenses, being transferred. A transfer fee shall not be required in regard to any of the following:

(a) The transfer, in the aggregate, of less than 50% of the outstanding shares of stock in a licensed corporation or less than 50% of the total interest in a licensed limited partnership during any licensing year.

(b) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which either the sole proprietor, all members of the general partnership, or all members of the limited

partnership are the only stockholders of that corporation. An exchange under this subdivision shall not be considered an application for a license for the purposes of section 501.

(c) The transfer of the interest in a licensed business of a deceased licensee, a deceased stockholder, or a deceased member of a general or limited partnership to the deceased person's spouse or children.

(d) The removal of a member of a firm, a stockholder, a member of a general partnership or limited partnership, or association of licensees from a license.

(e) The addition to a license of the spouse, son, daughter, or parent of any of the following:

(i) A licensed sole proprietor.

(ii) A stockholder in a licensed corporation.

(iii) A member of a licensed general partnership, licensed limited partnership, or other licensed association.

(f) The occurrence of any of the following events:

(i) A corporate stock split of a licensed corporation.

(ii) The issuance to a stockholder of a licensed corporation of previously unissued stock as compensation for services performed.

(iii) The redemption by a licensed corporation of its own stock.

(4) A nonrefundable inspection fee of \$70.00 shall be paid to the commission by an applicant or licensee at the time of filing any of the following:

(a) An application for a new license or permit.

(b) A request for approval of a transfer of ownership or location of a license.

(c) A request for approval to increase or decrease the size of the licensed premises, or to add a bar.

(d) A request for approval of the transfer in any licensing year of any of the shares of stock in a licensed corporation from 1 person to another, or any part of the total interest in a licensed limited partnership from 1 person to another.

(5) An inspection fee shall be returned to the person by whom it was paid if the purpose of the inspection was to inspect the physical premises of the licensee, and the inspection was not actually conducted. An inspection fee shall not be required for any of the following:

(a) The issuance or transfer of a special license, salesperson license, limited alcohol buyer license, corporate salesperson license, hospital permit, military permit, or Sunday sale of spirits permit.

(b) The issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.

(c) The issuance of authorized but previously unissued corporate stock to an existing stockholder of a licensed corporation.

(d) The transfer from a corporation to an existing stockholder of any of the corporation's stock that is owned by the corporation itself.

(6) All inspection fees collected under this section shall be deposited in the special fund in section 543 for carrying out of the licensing and enforcement provisions of this act.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

**436.1531 Public licenses and resort licenses; on-premise escrowed licenses; limitations and quotas; additional licenses for certain establishments; license for certain events at public university; economic development factors; exceptions as to certain veterans and airports; special state census of local governmental unit; rules; availability of transferable licenses held in escrow; on-premise escrowed or quota license; issuance of available licenses; hotels; definitions.**

(d) Allow the sale, possession, or consumption on the licensed premises of any controlled substances that are prohibited by Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

(e) Allow narcotics paraphernalia to be used, stored, exchanged, or sold on the licensed premises.

(6) A retail licensee shall not sell any alcoholic liquor off the licensed premises except as follows:

(a) An on-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1419.

(b) An off-premises licensee may deliver a pre-ordered quantity of alcoholic liquor to a customer; however, a delivery shall not be made to any customer on the campus of any 2- or 4-year college or university, unless the customer is licensed by the commission.

(c) An off-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1521.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981; 1979 ACS 16, Eff. Nov. 15, 1983; 1985 12, Eff. Jan. 1, 1986; 1994 MR 12, Eff. Dec. 16, 1995.

#### **R 436.1013 Gambling and gambling devices prohibited.**

Rule 13. (1) A licensee shall not allow unlawful gambling on the licensed premises.

(2) A licensee shall not allow any gambling devices on the licensed premises which are prohibited by the statutes of this state.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1015 Display of license and permit.**

Rule 15. (1) Licenses issued by the commission shall be signed by the licensee, shall be framed under a transparent material, and shall be prominently displayed in the licensed premises.

(2) Permits issued by the commission to a licensee shall be framed under a transparent material and shall be prominently displayed in the licensed premises adjacent to the liquor license.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1017 Prohibited sales of alcoholic liquor.**

Rule 17. (1) A licensee shall not sell, offer or keep for sale, furnish, possess, or allow a customer to consume, alcoholic liquor which is not authorized by the license issued to the licensee by the commission.

(2) A licensee shall not knowingly sell or furnish alcoholic liquor to a person who maintains, operates, or leases premises which are not licensed by the commission and upon which other persons unlawfully engage in the sale or consumption of alcoholic liquor for a fee or other valuable consideration.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1019 Contests.**

Rule 19. A licensee shall not participate in or sponsor any contest that requires the use or consumption of alcoholic liquor or features alcoholic liquor as a prize in connection with a contest.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1021 Sale to licensed truck driver salesman.**

Rule 21. A licensee shall not knowingly sell, give, or furnish alcoholic liquor to a licensed truck driver salesman who is employed by a licensee while the truck driver is on duty or in the course of employment.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1023 Sale or transfer of license: transfer of location: alteration of premises: lease, sale or transfer of premises.**

Rule 23. (1) A licensee shall not sell or transfer an interest in a business licensed by the commission without the prior written approval of the commission

(2) A licensee shall not transfer the location of the licensed premises without the prior written approval of the commission.

(3) A licensee shall not, without the prior written approval of the commission, do any of the following:

(a) Make an alteration in the size of the physical structure of the licensed premises.

(b) Add or drop any space to or from the physical structure of the licensed premises.

(c) Install any additional bars, if the licensee holds a class C or B hotel license.

(4) A licensee shall not lease, sell, or transfer possession of a portion of the licensed premises without the prior written approval of the commission.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1025 Storing of alcoholic liquor.**

December 12, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Charles Craft, Chief of Police  
Gary Mayer, Police Captain  
George Zielinski, Police Sergeant

SUBJECT: Application for transfer of stock from **C. A. MUER CORPORATION.**

**C. A. MUER CORPORATION** requests to transfer all stock through Merger (2001 licensing year) in 2001 Class C licensed business, located at 5498 Crooks, Troy, MI 48098, Oakland County, by dropping Anthony Adams (300 shares), Leo J. Beil (99,397 shares), Richard McMaster (1,200 shares), Gregory Ochoa (12,758 shares), Bruce Patterson (4,286 shares), Thomas J. Steiber (2000 shares), Scott C. Anderson (275 shares), Morris Huntley (20,515 shares), Robert Jones (2,000 shares), Alvin Plonka (400 shares), Bill Young (7,194 shares), Robert Zingle (67,902 shares), James Blake (19,026 shares), Ellen Daly (512 shares), Susan O'Neill (250 shares), Lorene Webster (4 shares), CB CAPITAL INVESTORS, INC. (659,191 shares), Robert A. Finkel (98,749 shares), Michael Carr-Turnbough (4,320 shares), James McIntyre (6,172 shares), MUER ACQUISITION LIMITED PARTNERSHIP (117,647 shares), Alan Mandel (6,172 shares), and Robert Ferngren (18,515 shares) through transfer of their 1,148,785 shares of stock to new stockholder, **HOSPITALITY PROPERTY GROUP, LLC**. All outstanding shares will be cancelled upon effective date, and new stockholder will be issued 100 shares. [MLCC REF #136094]

The Liquor Advisory Board recommended approval of this application at its December 10th meeting. Present at that meeting to answer questions from the Board was Mr. John Carlin, Attorney for C. A. Muer Corporation. Mr. Carlin advised this is complete stock transfer from the Muer heirs back to C. A. Muer Corporation. The restaurant's operations and employees will remain the same.

The police department's background investigation of C. A. Muer Corporation revealed no liquor violations since 1996. Consequently, we have no objection to this transfer.

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
LIQUOR CONTROL COMMISSION  
7150 Harris Drive  
P.O. Box 30005  
Lansing, MI 48909-7505

**LOCAL APPROVAL NOTICE**  
(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))



Ref #  
Req ID#136095  
136094

Date: November 1, 2001

To: Troy City Council  
500 West Big Beaver Road  
Troy, MI 48084-5285

Applicant: C.A. MUER CORPORATION

HOME ADDRESS AND PHONE NO:

HOSPITALITY PROPERTY GROUP LLC, 26500 Northwestern Highway, Suite 300, Southfield, MI 48075  
(248)371-4720

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN  
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

sfs



**AGREEMENT REGARDING**  
**LIQUOR LICENSE REQUEST**

This Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2001, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter known as THE CITY, and C.A. MUER CORPORATION, a Michigan corporation, whose office address and location is 400 Galleria Office Center, Suite 200, Southfield, Michigan 48034, and whose restaurant is located at 5498 Crooks Road, Troy, Michigan 48098, and operated under the name "Charley's Crab," hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission approval of the transfer request for Class C liquor license by APPLICANT.

2. In consideration of the City of Troy's recommendation for approval of the request for a Class C liquor license, APPLICANT hereby agrees that:

(a) It has read and is aware of the provisions of the City of Troy Ordinances, Chapter No. 68 and Chapter No. 92, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this Agreement.

(b) It has read and is in receipt of copies of the provisions of the City of Troy City Council Resolution No. 93-1028, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this Agreement.

(c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a Class C liquor licensed business in the City of Troy.

3. APPLICANT agrees that the recommendation for approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in Paragraph 2 of this Agreement shall occur.

4. APPLICANT agrees that the recommendation for approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including, but not limited to, the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted, remain virtually the same.

5. APPLICANT agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in Paragraph 2 of this Agreement has occurred, the City Council shall have just cause for a revocation of said recommendation for approval.

C.A MUER CORPORATION

By: \_\_\_\_\_  
Roger Zingle  
Its: President



Witnesses:

Shelia K. Wontor  
SHELIA K. WONTOR

Subscribed and sworn to before me  
this 8th day of November, 2001.

Shelia K. Wontor

Notary Public  
Oakland County, Michigan.  
My commission expires:

**SHELIA K. WONTOR**  
NOTARY PUBLIC - WAYNE COUNTY, MI  
ACTING IN OAKLAND COUNTY  
MY COMMISSION EXPIRES 05-02-2005

# LCC

## Liquor Licensee History

Business name: **Charlie's Crab**

Address: 5498 Crooks

Licensee: C A Muer Corporation (248) 372-2100

License type: **Class C** (5251-2000) **SDM** (4807-2000)

Permits: Sunday Sales, Dir-Conn-2, Food, 2 Bars

Comments:

Date	Troy Incident #	Type	Disposition	Date
<b>7/25/89</b>	<b>LCC Vio</b>	<b>"Accept Assistance" Took liquor cart from distributor. Not approved by LCC.</b>	<b>Fined \$200</b>	<b>Same</b>
<b>11/2/90</b>	<b>90-34023</b>	<b>Sale to Minor (Decoy)</b>	<b>Fined \$200 - 1/15/92</b>	
<b>4/6/95</b>	<b>95-11430</b>	<b>Sale to Minor (Decoy) Two Counts</b>	<b>Fined \$600 - 12/4/95 \$300 per count</b>	
3/21/96	95-11430	Council hearing	Provide list of trn for all server, retrn if over 6 mo's.	Complied
<b>12/12/96</b>	<b>96-45982</b>	<b>Sale to Minor (Compliance Insp.)</b>	<b>\$900. fine</b>	<b>3/19/97</b>
3/17/97	96-45982	Council hearing: All employees not TIPS or TAM trained in last 90 days to be retrained.		
03/06/99	99-08739	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/24/99	99-24024	Compliance Test	PASSED	
07/16/99	99-27122	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
11/23/99	none	Compliance Test	PASSED	
06/24/00	00-22534	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
07/27/00	none	Compliance Test	PASSED	
08/18/00	00-30579	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
10/05/00	00-37012	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
11/01/00	00-40533	Compliance Test	PASSED	
11/14/00	00-42182	Compliance Test	PASSED	

01/18/01	01-02109	Liquor Inspection (Road Patrol)	NO VIOLATIONS
04/25/01	01-14292	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/14/01	01-20953	Liquor Inspection (Road Patrol)	NO VIOLATIONS
08/17/01	01-29652	Compliance Test	PASSED
10/05/01	01-36181	Compliance Test	PASSED
10/08/01	01-36227	Liquor Inspection (Road Patrol)	NO VIOLATIONS

The meeting was called to order at 7:30 p.m. by Committee Member Thomas Sawyer in Conference Room C.

PRESENT: Thomas Sawyer  
David Balagna  
W. Stan Godlewski  
James Moseley  
James Peard  
Jennifer Gilbert, Student Representative  
Sergeant George Zielinski  
Lynn McDaniel, Clerk-Typist

ABSENT: Max Ehler  
John Walker

Moved by Moseley, seconded by Balagna, to EXCUSE the absent member(s).  
APPROVED unanimously

Moved by Balagna, seconded by Peard, to APPROVE the minutes of the November 12, 2001 meeting as printed.  
APPROVED unanimously

#### **AGENDA ITEMS:**

1. **JUMBO INVESTMENT, INC.** requests transfer of 2000 Class C licensed business (in escrow) with Dance Permit and Official Permit (Food), located at 1555 E. Maple, Troy, MI 48083, Oakland County, from Yee's Investment, Inc. [MLCC REF#104432]

Present to answer questions from the committee was Mr. Shetwai Seto representing Jumbo Investment, Inc.

Mr. Shetwai Seto stated that the manager and most employees will remain at the restaurant. Manager and present employees are trained in the TIPS program and any new employees hired will be trained in the TIPS program. Mr. Seto stated that the City of Troy has inspected building and found some electrical and plumbing problems that need to be fixed and Mr. Seto has agreed to take care of those violations by the end of this week. Mr. Sawyer stated that the transfer of the Class C license will be made contingent on compliance of the city inspections.

Mr. Balagna and committee members commended Mr. Shetwai Seto on running an establishment with no liquor violations for over three years.

Moved by Balagna, seconded by Moseley, to APPROVE the above request.  
APPROVED unanimously

2. **C. A. MUER CORPORATION** requests to transfer all stock through Merger (2001 licensing year) in 2001 Class C licensed business, located at 5498 Crooks, Troy, MI 48098, Oakland County, by dropping Anthony Adams (300 shares), Leo J. Beil (99,397 shares), Richard McMaster (1,200 shares), Gregory Ochoa (12,758

shares), Bruce Patterson (4,286 shares), Thomas J. Steiber (2000 shares), Scott C. Anderson (275 shares), Morris Huntley (20,515 shares), Robert Jones (2,000 shares), Alvin Plonka (400 shares), Bill Young (7,194 shares), Robert Zingle (67,902 shares), James Blake (19,026 shares), Ellen Daly (512 shares), Susan O'Neill (250 shares), Lorene Webster (4 shares), CB CAPITAL INVESTORS, INC. (659,191 shares), Robert A. Finkel (98,749 shares), Michael Carr-Turnbough (4,320 shares), James McIntyre (6,172 shares), MUER ACQUISITION LIMITED PARTNERSHIP (117,647 shares), Alan Mandel (6,172 shares), and Robert Ferngren (18,515 shares) through transfer of their 1,148,785 shares of stock to new stockholder, **HOSPITALITY PROPERTY GROUP, LLC**. All outstanding shares will be cancelled upon effective date, and new stockholder will be issued 100 shares. [MLCC REF #136094]

Present to answer questions from the committee was Mr. John Carlin, attorney for C. A. Muer Corporation.

Mr. Carlin stated that transfer of stocks will bring the restaurant back to the fine establishment it was when Mr. Chuck Muer was alive. Mr. Chase Morgan will remain an owner and Mr. Leo Beil will buy back shares.

Moved by James Peard, seconded by W. Stan Godlewski, to APPROVE the above request.  
APPROVED unanimously.

3. **7-ELEVEN, INC. (A TEXAS CORPORATION)** requests a new Specially Designated Distributor (SDD) license, to be located at 2891 Crooks, Troy, Michigan, 48084, Oakland County, to be held in conjunction with existing 2001 Specially Designated Merchant license. [MLCC REF#137558]

Present to answer questions from the committee was Mr. Harvey Blitz, Franchise Director and Assistant Secretary for 7-Eleven, Inc.

Mr. Blitz stated that the new franchise owner, Mr. Nisar Siddiqui, a 7-Eleven franchisee for 16 years, would like to create a new image for this establishment. By providing a need for customers to purchase liquor at this store, liquor will be sold behind the counter and will be at most eight feet in length. Mr. Siddiqui will only sell selected types of liquors, not hundreds of different brands. Employees will have to enter birthdates into computer to generate sale. Mr. Sawyer asked if the other 7-Eleven's in Troy sell liquor. Sgt. Zielinski stated that two other stores in Troy sell liquor and have a good record. Mr. Moseley asked for a schematic of the layout of the liquor counter. Mr. Blitz did not bring one for the committee.

Mr. Blitz stated that 7-Eleven uses the Come of Age Program, a training program taught by 7-Eleven for new employees. This program teaches employees how to recognize and how to refuse a liquor sale with no confrontation to the customer. The TIPS program is also used for the employees. Mr. Moseley stated the committee would love to see 7-Eleven be an exemplary example to other small business owners in Troy.

Committee members would like Mr. Siddiqui to attend January meeting and bring a schematic of the layout of the liquor counter of the store.

Moved by Moseley , seconded by Godlewski, to TABLE item to January 14, 2001 meeting. APPROVED unanimously.

Committee members decided to wait until January meeting to review new criteria. Committee members discussed setting up a study session in the first week of February to go over the new criteria page by page. A date for the study session will be decided at January, 2002 meeting. Committee asked Sgt. Zielinski to provide an informational letter for new quota applicants. Sgt. Zielinski was asked to put together a complete package that will be sent to a new applicant and bring a sample packet to January meeting for review.

Moved by Moseley, seconded by Balagna, to ADJOURN the meeting at 8:04 p.m. APPROVED unanimously

*LM/lm*

December 7, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Carol K. Anderson, Parks and Recreation Director

Subject: Standard Purchasing Resolution 1: Award To Low Bidder –  
Irrigation System Installation

### **RECOMMENDATION**

The Parks and Recreation Department recommends that the City Council award a contract for Irrigation Installation at Raintree and Boulan Parks to the low bidder, Advanced Irrigation Systems, Inc., 1183 Combermere, Troy, MI 48083, 248.583.0533, at an estimated total cost of \$26,050.00. The award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds, and all specified requirements.

In addition, we are requesting authorization to add or delete work due to unforeseen circumstances, not to exceed 10% of the original project cost, at unit prices contained in the Schedule of Values marked "Unit Price."

### **SUMMARY**

Bids for this project were opened on November 28, 2001, with nine (9) companies returning a completed bid. The project requires the contractor to furnish all labor, materials, and equipment to provide irrigation installation in the ball diamond area of Raintree Park and the new Lacrosse field at Boulan Park.

### **BUDGET**

Funds are available to complete this project in the Park Development Land Improvement Capital Accounts #401770.7974 for Raintree and Boulan Parks.

42 Bid Sent  
11 Bids Rec'd  
1 No Bid  
1 Bid did not meet specifications

Prepared by: Jeff Biegler, Superintendent of Parks



Opening Date -- 11/28/01  
Date Prepared -- 12/6/01

CITY OF TROY  
BID TABULATION  
IRRIGATION SYSTEM AT RAINTREE & BOULAN PARKS

SBP 01-42

1 of 3

VENDOR NAME:

** ADVANCED	TURF	ELITE LAWN
IRRIGATION	TECH INC	IRRIGATION
SYSTEMS INC		
CHECK # -- 366857194	20171190	391720626
CHECK AMOUNT -- \$ 2,570	\$ 2,600	\$ 2,840

PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO INSTALL AN IRRIGATION SYSTEM AT RAINTREE & BOULAN PARKS, IN ACCORDANCE WITH THE SPECIFICATIONS AND PLANS

**Raintree Park Ball Diamond**  
COMPLETE FOR THE SUM OF:

\$ 18,940.00	\$ 20,200.00	\$ 21,925.00
--------------	--------------	--------------

**Boulan Park Lacrosse Field**  
COMPLETE FOR THE SUM OF:

\$ 7,110.00	\$ 5,870.00	\$ 6,475.00
-------------	-------------	-------------

ESTIMATED GRAND TOTAL--

** \$ 26,050.00	\$ 26,070.00	\$ 28,400.00
-----------------	--------------	--------------

Schedule of Values - Marked (Y/N)

"Unit Price"	X	Project "A"
--------------	---	-------------

COMPLETION DATE:

1-May-2002	1-May-2002	1-May-2002
------------	------------	------------

COMPLETION DATE:

14 Days	7 Days	14 Days
---------	--------	---------

SITE INSPECTION: Y/N  
Date

Yes	No	Yes
11/26/01		11/15/01

INSURANCE: Can Meet  
Cannot Meet

Yes	Yes,	Yes
	+\$1300	

TERMS:

Net 30 Days	30 Days	Net 30 Days
-------------	---------	-------------

WARRANTY:

One Year	One Year	2 Yrs P&L
----------	----------	-----------

EXCEPTIONS:

None	Toro Irrigation Parts	Blank
	Rainbird Controller	

NO BIDS:

Davey Tree

**\*\* DENOTES LOW BIDDER**

DMS:

O'Neal Father & Sons -  
Reason: No Check

ATTEST:

Mark Colombo  
Cecilia Brukwinski  
Linda Bockstanz

Jeanette Bennett  
Purchasing Director

Opening Date -- 11/28/01  
Date Prepared -- 12/6/01

CITY OF TROY  
BID TABULATION  
IRRIGATION SYSTEM AT RAINTREE & BOULAN PARKS

SBP 01-42

2 of 3

VENDOR NAME:

AMERICAN	RAYNER LAWN	MICHIGAN
SPRINKLER	SPRINKLER LLC	AUTOMATIC
LANDSCAPE		SPRINKLER INC
CHECK # --	288563853	770401440
CHECK AMOUNT --	\$ 2,890	\$ 2,962.63
		\$ 3,000

*PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO INSTALL AN IRRIGATION SYSTEM AT RAINTREE & BOULAN PARKS, IN ACCORDANCE WITH THE SPECIFICATIONS AND PLANS*

**Raintree Park Ball Diamond**

COMPLETE FOR THE SUM OF:

\$ 21,984.00	\$ 23,162.04	\$ 23,550.00
--------------	--------------	--------------

**Boulan Park Lacrosse Field**

COMPLETE FOR THE SUM OF:

\$ 6,895.00	\$ 6,465.20	\$ 6,160.00
-------------	-------------	-------------

ESTIMATED GRAND TOTAL--

\$ 28,879.00	\$ 29,627.24	\$ 29,710.00
--------------	--------------	--------------

Schedule of Values - Marked (Y/N)

"A"	RLS	Exhibit "A"
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COMPLETION DATE:

<b>1-May-2002</b>	<b>1-May-2002</b>	<b>1-May-2002</b>
-------------------	-------------------	-------------------

COMPLETION DATE:

5 Days	7-10 Days	15 Days
--------	-----------	---------

SITE INSPECTION: Y/N  
Date

Yes	Yes	Yes
11/27/01	11/20/01	11/27/01

INSURANCE: Can Meet  
Cannot Meet

Yes	Yes	Yes

TERMS:

Net 30	As Per Specs	Progress Payments, Net 30
--------	--------------	------------------------------

WARRANTY:

One Year	As Per Specs	One Year
----------	--------------	----------

EXCEPTIONS:

Blank	Blank	Blank

Opening Date -- 11/28/01  
Date Prepared -- 12/6/01

CITY OF TROY  
BID TABULATION  
IRRIGATION SYSTEM AT RAINTREE & BOULAN PARKS

SBP 01-42

3 of 3

VENDOR NAME:

MADDOX	BROOKS	BRUCE M SAUNDERS
IRRIGATION, INC	LANDSCAPING, INC	& SONS
11360943	280395889	3828
\$ 3,170	\$ 3,740.20	\$ 3,819.90

CHECK # --

CHECK AMOUNT --

*PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO INSTALL AN IRRIGATION SYSTEM AT RAINTREE & BOULAN PARKS, IN ACCORDANCE WITH THE SPECIFICATIONS AND PLANS*

**Raintree Park Ball Diamond**

COMPLETE FOR THE SUM OF:

\$ 24,200.00	\$ 25,996.00	\$ 29,939.00
--------------	--------------	--------------

**Boulan Park Lacrosse Field**

COMPLETE FOR THE SUM OF:

\$ 7,500.00	\$ 11,406.00	\$ 8,260.00
-------------	--------------	-------------

ESTIMATED GRAND TOTAL--

\$ 31,700.00	\$ 37,402.00	\$ 38,199.00
--------------	--------------	--------------

Schedule of Values - Marked (Y/N)

1	BLANK	1
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COMPLETION DATE:

1-May-2002	1-May-2002	1-May-2002
------------	------------	------------

COMPLETION DATE:

30 non-winter	14 Days	30 Days
---------------	---------	---------

SITE INSPECTION: Y/N  
Date

Yes	Yes	Yes
11/19/01	11/23/01	11/27/01

INSURANCE: Can Meet  
Cannot Meet

Yes	Yes	Yes

TERMS:

30 Days	Net 30 Days	Net 30 Days
---------	-------------	-------------

WARRANTY:

One Year	One Year	One Year
----------	----------	----------

EXCEPTIONS:

Blank	None	Blank

**Advanced Irrigation Systems, Inc.**

1183 Combermere Troy, Michigan 48083  
248.583.0533 248.583.2196 Fax

**UNIT PRICE****PROJECT NAME:**

Troy Athletic Fields  
Boulan Park and Raintree Park

**OWNER OR GENERAL CONTRACTOR:**

City of Troy

**DATE:**

Monday, November 26, 2001

Unit pricing below represents unit prices for the installation of the above named job only.

QUANTITY	DESCRIPTION	ITEM	PER (EACH)	RATE
1320	PVC PIPE	1"	\$0.68	\$897.60
2440	PVC PIPE	1 1/2 "	\$0.92	\$2,244.80
1400	PVC PIPE	2"	\$1.36	\$1,904.00
2000	PVC PIPE	2 1/2 "	\$1.06	\$2,120.00
300	PVC PIPE	3"	\$6.49	\$1,947.00
96	ROTOR	HUNTER I-25 ROTOR	\$100.00	\$9,600.00
21	VALVE	RAINBIRD 150 PGA	\$175.00	\$3,675.00
1	2" TAP	2" TAP AND BACKFLOW	725	\$725.00
1	BOOSTER PUMP	1 1/2 JMF	640	\$640.00
1	CONTROLLER	ESP 16 SAT.	2,300	\$2,300.00
TOTAL				\$26,053.40

Control Wire is included with the 2 1/2" pvc and 3" pvc.

Valve Boxes and wire splice are included in valve cost.

A & J LAWN SPRINKLER INC  
620 HARTLAND  
TROY MI 48084

ADVANCED IRRIGATION SYSTEMS INC  
1183 COMBERMERE  
TROY MI 48083-2701

AMERICAN SPRINKLER  
41715 JOY RD  
CANTON MI 48187

AUTOMATIC IRRIGATION  
7848 BOARDWALK  
BRIGHTON MI 48116

B & L LANDSCAPING  
21151 MEYERS ROAD  
OAK PARK MI 48237-3209

B & P LANDSCAPING  
6355 LILLEY RD  
CANTON MI 48187-3628

BLUE WATER IRRIGATION  
73261 S FULTON  
ARMADA MI 48005

BRISTLECONE NURSERY & LANDSCAPING INC  
54001 VAN DYKE  
SHELBY TOWNSHIP MI 48316

BRUCE M SAUNDERS & SONS  
47515 RYAN ROAD  
SHELBY TOWNSHIP MI 48317

C & H LANDSCAPE  
5220 WILLIAMS LAKE ROAD  
WATERFORD MI 48329-3556

CAL FLEMING LANDSCAPING & TREE SERVICE  
29725 GROESBECK  
ROSEVILLE MI 48066-1980

CENTURY RAIN AID  
31691 DEQUINDRE  
MADISON HEIGHTS MI 48071-1522

CERVI LAWN IRRIGATION CO  
2265 COLE  
BIRMINGHAM MI 48009

COUNTRYSIDE IRRIGATION & SERVICE CO  
28821 JAMES  
WARREN MI 48092

D & J SPRINKLERS  
42730 MOUND ROAD  
STERLING HEIGHTS MI 48314

ELITE LAWN IRRIGATION INC  
1827 NORTHFIELD  
ROCHESTER HILLS MI 48309

GILLINGS NURSERY & LANDSCAPING  
2976 S LAPEER ROAD  
METAMORA MI 48455

H2O IRRIGATION  
50357 RIZZO  
SHELBY TWP MI 48315

HOFFMAN LAWN SPRINKLER SYSTEMS INC  
1790 S LIVERNOIS ROAD STE 402  
ROCHESTER HILLS MI 48307

JAMES LEAMON LANDSCAPE DESIGN & CONST  
18530 MACK AVENUE  
GROSSE POINTE FARMS MI 48236

MADISON SPRINKLERS  
29078 SPOON  
MADISON HEIGHTS MI 48071

MARC DUTTON IRRIGATION INC  
4720 HATCHERY  
WATERFORD MI 48329

MARINE CITY NURSERY COMPANY  
P O BOX 189  
MARINE CITY MI 48039

MICHIGAN AUTOMATIC SPRINKLER CO INC  
3180 WALNUT LAKE COURT  
COMMERCE TOWNSHIP MI 48390

MIDWEST LANDSCAPE GROUP INC  
5470 HURON HILLS DR  
COMMERCE MI 48382

NORTHWOOD CONTRACTING INC  
6111 AUBURN RD  
SHELBY TWP MI 48317

QUALITY LANDSCAPE,FERTILIZING,IRRIGATION  
P O BOX 214869  
AUBURN HILLS MI 48321

RASINS LANDSCAPE INC  
2271 METAMORA ROAD  
OXFORD MI 48371

RAYNER LAWN SPRINKLER LLC  
6708 ALDERLY WAY  
WEST BLOOMFIELD MI 48322

SCENESCAPE: KODIAK GROUNDS MAINTENANCE  
12776 33 MILE ROAD  
ROMEO MI 48065-5438

SPARTAN DISTRIBUTORS  
1050 OPDYKE RD  
AUBURN HILLS MI 48326

SPRINKLER SERVICES CO  
30017 8 MILE ROAD  
P O BOX 530693  
LIVONIA MI 48152-1811

THE DAVEY TREE EXPERT COMPANY  
3381 LAPEER ROAD WEST  
AUBURN HILLS MI 48326

TORRE & BRUGLIO  
850 FEATHERSTONE  
PONTIAC MI 48342-1723

TURF TECH INC  
10252 E BIRCH RUN ROAD  
BIRCH RUN MI 48415

**Request from C. A. MUER CORPORATION: (a) to transfer all stock in 2001 Class C licensed business, located at 5498 Crooks, Troy, from current stockholders (several) to new stockholder, HOSPITALITY PROPERTY GROUP LLC [MLCC REF # 136094]; (b) Approval of Agreement**

---

A copy of the Liquor Advisory Committee Minutes are located under Agenda Item \_\_\_\_

**(a) License Transfer**

Suggested Resolution

Resolution #2001-

Moved by

Seconded by

RESOLVED, that the request from C.A. Muer Corporation, to transfer all stock in 2001 Class C licensed business, located at 5498 Crooks, Troy, from current stockholders (several) to new stockholder, HOSPITALITY PROPERTY GROUP LLC, be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Yes:

No:

**(b) Agreement**

Suggested Resolution

Resolution #2001-

Moved by

Seconded by

WHEREAS, the City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby approves an agreement with C. A. Muer Corporation., which shall become effective upon approval of the request to transfer all stock to Hospitality Property Group LLC; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original minutes of this meeting.

Yes:

No:



(2) The fees provided in this act for the various types of licenses shall not be prorated for a portion of the effective period of the license.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

**436.1527 Special license for nonprofit charitable organization; issuance; nontransferable; fee; auction.**

Sec. 527. (1) The commission may issue a special license to a nonprofit charitable organization that is exempt from the payment of taxes under the internal revenue code for the purpose of allowing the organization to sell, at auction, wine donated to the organization.

(2) A special license issued pursuant to subsection (1) is not transferable. The organization applying for the special license shall pay the fee required under section 525(1)(r).

(3) An auction permitted under subsection (1) may occur upon premises which are otherwise licensed under this act to allow the sale of alcoholic liquor for consumption on the licensed premises.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

**436.1529 Transfer of license or interest in license; notice of transfer of stock in licensed corporation or licensed limited partnership; investigation to ensure compliance; approval; transfer fee; inspection fee.**

Sec. 529. (1) A license or an interest in a license shall not be transferred from 1 person to another without the prior approval of the commission. For purposes of this section, the transfer in the aggregate to another person during any single licensing year of more than 10% of the outstanding stock of a licensed corporation or more than 10% of the total interest in a licensed limited partnership shall be considered to be a transfer requiring the prior approval of the commission.

(2) Not later than July 1 of each year, each privately held licensed corporation and each licensed limited partnership shall notify the commission as to whether any of the shares of stock in the corporation, or interest in the limited partnership, have been transferred during the preceding licensing year. The commission may investigate the transfer of any number of shares of stock in a licensed corporation, or any amount of interest in a licensed limited partnership, for the purpose of ensuring compliance with this act and the rules promulgated under this act.

(3) Except as otherwise provided in subdivisions (a) through (f), upon approval by the commission of a transfer subject to subsection (1), there shall be paid to the commission a transfer fee equal to the fee provided in this act for the class of license being transferred. A transfer fee shall not be prorated for a portion of the effective period of the license. If a person holding more than 1 license or more than 1 interest in a license at more than 1 location, but in the name of a single legal entity, transfers all of the licenses or interests in licenses simultaneously to another single legal entity, the transfers shall be considered 1 transfer for purposes of determining a transfer fee, payable in an amount equal to the highest license fee provided in this act for any of the licenses, or interests in licenses, being transferred. A transfer fee shall not be required in regard to any of the following:

(a) The transfer, in the aggregate, of less than 50% of the outstanding shares of stock in a licensed corporation or less than 50% of the total interest in a licensed limited partnership during any licensing year.

(b) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which either the sole proprietor, all members of the general partnership, or all members of the limited

partnership are the only stockholders of that corporation. An exchange under this subdivision shall not be considered an application for a license for the purposes of section 501.

(c) The transfer of the interest in a licensed business of a deceased licensee, a deceased stockholder, or a deceased member of a general or limited partnership to the deceased person's spouse or children.

(d) The removal of a member of a firm, a stockholder, a member of a general partnership or limited partnership, or association of licensees from a license.

(e) The addition to a license of the spouse, son, daughter, or parent of any of the following:

(i) A licensed sole proprietor.

(ii) A stockholder in a licensed corporation.

(iii) A member of a licensed general partnership, licensed limited partnership, or other licensed association.

(f) The occurrence of any of the following events:

(i) A corporate stock split of a licensed corporation.

(ii) The issuance to a stockholder of a licensed corporation of previously unissued stock as compensation for services performed.

(iii) The redemption by a licensed corporation of its own stock.

(4) A nonrefundable inspection fee of \$70.00 shall be paid to the commission by an applicant or licensee at the time of filing any of the following:

(a) An application for a new license or permit.

(b) A request for approval of a transfer of ownership or location of a license.

(c) A request for approval to increase or decrease the size of the licensed premises, or to add a bar.

(d) A request for approval of the transfer in any licensing year of any of the shares of stock in a licensed corporation from 1 person to another, or any part of the total interest in a licensed limited partnership from 1 person to another.

(5) An inspection fee shall be returned to the person by whom it was paid if the purpose of the inspection was to inspect the physical premises of the licensee, and the inspection was not actually conducted. An inspection fee shall not be required for any of the following:

(a) The issuance or transfer of a special license, salesperson license, limited alcohol buyer license, corporate salesperson license, hospital permit, military permit, or Sunday sale of spirits permit.

(b) The issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.

(c) The issuance of authorized but previously unissued corporate stock to an existing stockholder of a licensed corporation.

(d) The transfer from a corporation to an existing stockholder of any of the corporation's stock that is owned by the corporation itself.

(6) All inspection fees collected under this section shall be deposited in the special fund in section 543 for carrying out of the licensing and enforcement provisions of this act.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

**436.1531 Public licenses and resort licenses; on-premise escrowed licenses; limitations and quotas; additional licenses for certain establishments; license for certain events at public university; economic development factors; exceptions as to certain veterans and airports; special state census of local governmental unit; rules; availability of transferable licenses held in escrow; on-premise escrowed or quota license; issuance of available licenses; hotels; definitions.**

(d) Allow the sale, possession, or consumption on the licensed premises of any controlled substances that are prohibited by Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

(e) Allow narcotics paraphernalia to be used, stored, exchanged, or sold on the licensed premises.

(6) A retail licensee shall not sell any alcoholic liquor off the licensed premises except as follows:

(a) An on-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1419.

(b) An off-premises licensee may deliver a pre-ordered quantity of alcoholic liquor to a customer; however, a delivery shall not be made to any customer on the campus of any 2- or 4-year college or university, unless the customer is licensed by the commission.

(c) An off-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1521.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981; 1979 ACS 16, Eff. Nov. 15, 1983; 1985 12, Eff. Jan. 1, 1986; 1994 MR 12, Eff. Dec. 16, 1995.

#### **R 436.1013 Gambling and gambling devices prohibited.**

Rule 13. (1) A licensee shall not allow unlawful gambling on the licensed premises.

(2) A licensee shall not allow any gambling devices on the licensed premises which are prohibited by the statutes of this state.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1015 Display of license and permit.**

Rule 15. (1) Licenses issued by the commission shall be signed by the licensee, shall be framed under a transparent material, and shall be prominently displayed in the licensed premises.

(2) Permits issued by the commission to a licensee shall be framed under a transparent material and shall be prominently displayed in the licensed premises adjacent to the liquor license.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1017 Prohibited sales of alcoholic liquor.**

Rule 17. (1) A licensee shall not sell, offer or keep for sale, furnish, possess, or allow a customer to consume, alcoholic liquor which is not authorized by the license issued to the licensee by the commission.

(2) A licensee shall not knowingly sell or furnish alcoholic liquor to a person who maintains, operates, or leases premises which are not licensed by the commission and upon which other persons unlawfully engage in the sale or consumption of alcoholic liquor for a fee or other valuable consideration.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1019 Contests.**

Rule 19. A licensee shall not participate in or sponsor any contest that requires the use or consumption of alcoholic liquor or features alcoholic liquor as a prize in connection with a contest.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1021 Sale to licensed truck driver salesman.**

Rule 21. A licensee shall not knowingly sell, give, or furnish alcoholic liquor to a licensed truck driver salesman who is employed by a licensee while the truck driver is on duty or in the course of employment.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1023 Sale or transfer of license: transfer of location: alteration of premises: lease, sale or transfer of premises.**

Rule 23. (1) A licensee shall not sell or transfer an interest in a business licensed by the commission without the prior written approval of the commission

(2) A licensee shall not transfer the location of the licensed premises without the prior written approval of the commission.

(3) A licensee shall not, without the prior written approval of the commission, do any of the following:

(a) Make an alteration in the size of the physical structure of the licensed premises.

(b) Add or drop any space to or from the physical structure of the licensed premises.

(c) Install any additional bars, if the licensee holds a class C or B hotel license.

(4) A licensee shall not lease, sell, or transfer possession of a portion of the licensed premises without the prior written approval of the commission.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1025 Storing of alcoholic liquor.**

## **BOARDS AND COMMITTEES VACANCIES**

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

### **Advisory Committee for Persons with Disabilities**

**Appointed by Council (9) - 3 years**

Term expires 11-01-2003 (Alternate)

Term expires 11-01-2004

Term expires 11-01-2004

PHONE	NAME	ADDRESS	TERM EXPIRES
689-9098	Mary Ann Butler (Alternate)	1060 Glaser, 98	Nov. 1, 2003
526-3088B	Philip D'Anna	5149 Westmoreland, 98	Nov. 1, 2001
689-1457	Angela Done	2304 Academy, 83	Nov. 1, 2002
740-8983	Nancy Johnson	1461 Lamb, 98	Nov. 1, 2003
813-9575	Leonard Bertin	5353 Rochester, 98	Nov. 1, 2002
258-2500B			
641-7764	Dick Kuschinsky	5968 Whitfield, 98	Nov. 1, 2004
313-496-2686B			
680-1233	Theodora House	301 Belhaven, 98	Nov. 1, 2003
641-3860	Sharon Lu (Student)	1749 Freemont, 98	July 01, 2002
528-3133	Nancy Sura, Ch	1436 Welling, 98	Nov. 1, 2001
696-2140B			
952-0484	Jerry Ong (Student)	1903 Fleetwood, 98	July 01, 2002
641-9538	John J. Rogers	5925 Whitfield, 98	Nov. 1, 2003
362-0671	Cynthia Buchanan (Alternate)	840 Huntsford, 84	Nov. 1, 2003
680-0325	Kul B. Gauri	5305 Greendale, 98	Nov. 1, 2002

Mr. Gauri was appointed as a regular member, therefore, an alternate position has become open.

## Board of Canvassers

Appointed by Council (4) - 4 years

Unexpired term 12-31-2003

Term expires 12-31-2005

Term expires 12-31-2005

PHONE	NAME	ADDRESS	TERM EXPIRES
680-8870	Gary Kohut (D)	2414 John R Apt A203, 83	<b>Dec. 31, 2001</b>
879-9776	Mary Shiner(R)	5456 Patterson, 98	<b>Dec. 31, 2001</b>
879-0950	Rolland Ersin (D)	6301 Atkins, 98	<b>Dec. 31, 2003</b>
644-1038	Carole Webb (R)	2434 Hampton, 84	<b>Dec. 31, 2003</b>

Mr. Ersin has resigned

Mary Shiner wishes to be reappointed

## Downtown Development Authority

Mayor, Council Approval (12)- 4 years

Term expires 9-30-2005

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
952-1952H 391-8185B 248-391-4895F	Michael W. Culpepper	1236 Autumn Dr.,98 <a href="mailto:mculpepp@auburnhills.org">mculpepp@auburnhills.org</a>	Sept. 30, 2004
649-2924	Stuart Frankel	3221 W. Big Beaver, Ste. 106, 84	Sept. 30, 2003
879-2450	Philip Goy	380 Tara, 98	Sept. 30, 2001
879-6439H 526-0576B	William Kennis	249 W. Hurst, 98 100 W Big Beaver, Ste.200, 84	Sept. 30, 2002
642-1875H 680-7180W 248-680-7181F	Alan M. Kiriluk , Ch	Kirco Development Corp 101 W. Big Beaver, Ste.200, 84	Sept. 30, 2004
827-4600B	G. Thomas York	Forbes/Cohen Properties 2800 W Big Beaver, 84	Sept. 30, 2004
524-3244W 641-7999H 248-689-7210F	Daniel MacLeish	Macleish Building, Inc. 650 E. Big Beaver, Ste. F, 84	Sept. 30, 2005
258-5734H 689-8081B 248-689-8651F	Clarke B. Maxson	1091 Oxford, Birmingham, 09 Midwest Guaranty Bank 201 W. Big Beaver Ste. 125, 84	Sept. 30, 2003
260-0061W 248-260-0077F	Nick Najjar	3150 Livernois Ste 175, 83	Sept. 30, 2005
879-8695	Carol A. Price	6136 Sandshores, 98	Sept. 30, 2003
879-6033	Ernest C. Reschke	6157 Walker, 98	Sept. 30, 2002
879-2646 H 689-6555 B	Douglas J. Schroeder	2783 Homewood Dr., 98	Sept. 30, 2002
879-3896H 248-879-3896F 248-709-0383C	Matt Pryor	6892 Coolidge, 98	Sept. 30, 2002

Mr. Goy wishes to be reappointed

## Election Commission

Appointed by Council (3) - 1 year

**Term expires 01-31-2003** (Term adjusted from a December expiration date to comply with Charter)

Term expires 01-31-2003

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
952-5708 H	David C. Anderson (R)	2361 Oak Ridge, 98	<b>Jan. 31, 2002</b>
879-0912	Timothy Dewan (D)	6234 Crescent Way, 98	<b>Dec. 31, 2001</b>
524-3318	Tonni L. Bartholomew, Ch.	City Clerk	<b>(Charter)</b>

Mr. Anderson and Mr. Dewan wish to be reappointed.

## Historic District Commission

Appointed by Council (7)- 3 years

Term expires 3-01-2004

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
879-9494H 366-1224B	Marjorie A. Biglin	5863 Cliffside, 98	<b>March 1, 2004</b>
689-7031	Kevin Danielson	210 Paragon, 98	<b>May 15, 2003</b>
619-7119H 362-2888B	David J. Eisenbacher	1863 Lakewood, 83	<b>March 1, 2002</b>
645-2187H	Paul C. Lin	1599 Witherbee, 84	<b>May 15, 2003</b>
828-0618	William G. Martin, Ch. <b>(Resigned)</b>	138 E. Square Lake, 98	<b>March 1, 2004</b>
524-1874H	Jacques O. Nixon	1035 Milverton, 83	<b>March 1, 2002</b>
689-0516	Dorothy Scott	129 Belhaven, 98	<b>May 15, 2003</b>

Mr. Martin has resigned effective 10/21/01.

## Historical Commission

Appointed by Council (7)- 3 years

Term expires 7-01-2002 (Student)

Term expires 7-31-2004

		ADDRESS (Voters)	TERM EXPIRES
879-0195	Edward Bortner	193 Hurst, 98	July 31, 2002
649-5074H 810-497-5333B	Roger Kaniarz	4350 Stonehenge, 98	July 31, 2002
879-8659	Cynthia Kmett	1168 Snead, 98	July 31, 2001
641-1962	Rosemary Kornacki	4648 Rivers Edge, 98	July 31, 2002
879-6168	Jeannine Kufra (Student)	683 Sylvanwood, 98	July 01, 2001
828-3632H 753-2408B	Kevin Lindsey	6890 Norton, 98	July 31, 2003
879-6567	Muriel W. Rounds	6291 Ledwin, 98	July 31, 2003
689-1249	Brian J. Wattles	3864 Livernois, 83	July 31, 2004

Cynthia Kmett **does not** wish to be reappointed.

## Library Committee

Appointed by Council (5) - 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
643-7152H 313-226-8614B	David Cloyd	1737 Chatham Dr., 84	Apr. 30, 2003
689-6735	Margaret Gaffney	2467 London, 98	Apr. 30, 2002
641-0248	Michael Gladysz (Student)	4633 Riverchase, 98	Dec. 31, 2001
689-2623	Lynne R. Gregory	2244 Niagara, 83	Apr. 30, 2004
879-8045	Fern Nelsen	2567 Coral, 98	Apr. 30, 2002
641-8511	Nancy D. Wheeler, Pres.	5355 Beach, 98	Apr. 30, 2004



## Liquor Committee

Appointed by Council (7) - 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
879-0817H 689-5900W	Max K. Ehlert	6614 Northpoint, 98	Jan. 31, 2002
689-4614H 810 575-2648B	W. S. Godlewski	2784 Whitehall, 48098	Jan. 31, 2002
828-7436	James C. Moseley	1687 White Birch Ct.,98	Jan. 31, 2003
689-8092	James R. Peard	4549 Post, 98	Jan. 31, 2003
642-1887H 647-9099W	Thomas G. Sawyer, Jr., Ch.	895 Norwich, PO 99236,Troy 48099	Jan. 31, 2003
649-7480	David J. Balagna	1822 Wilmet, 98	Jan. 31, 2003
689-1099	John J. Walker	94 Evaline, 98	Jan. 31, 2003
641-8432	Jennifer Gilbert (Student)	4808 Rivers Edge, 98	July 1, 2001
524-3477	Capt. Dane Slater	Police Department	(Ex-officio)

## Planning Commission

Mayor, Approved by Council (9) - 3 years

Term expires 12-31-2004

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
524-9850	Gary G. Chamberlain	4850 Alton, 98	Dec. 31, 2002
689-1849	Jordan C. Keoleian (Student)	3709 Kings Point Dr, 83	July 01, 2002
952-5588 H 435-1712 B	Dennis A. Kramer	1903 Spiceway, 98	Dec. 31, 2003
879-8877H 649-1150B	Larry Littman	6867 Killarney, 98	Dec. 31, 2004
528-3848	Cynthia Pennington	1924 Westwood, 83	Dec. 31, 2002
689-3722	James E. Reece, Jr.	2915 Hill, 98	Dec. 31, 2001
524-2285	James H. Starr	2643 Arrowhead, 83	Dec. 31, 2002
879-8529	Walter A. Storrs, III	5676 Martell, 98	Dec. 31, 2003
642-9737	David T. Waller	2921 Townhill, 84	Dec. 31, 2003
641-7115 H 775-7710 B	Wayne C. Wright	2525 Homewood, 98	Dec. 31, 2004

Mr. Reece wishes to be reappointed, See attached letter.

## Traffic Committee

Appointed by Council (7) – 3 years

Term Expires 7-01-2002 (Student)

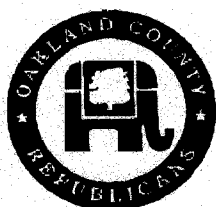
PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
649-2319	David Allen (Student)	3755 Ledge Ct., 84	July 01, 2001
879-0103	John Diefenbaker	5697 Wright, 98	Jan. 31, 2003
879-0250H 663-5055B	Eric S Grinnell	406 E Square Lake, 84 <b>MAIL TO:</b> PO Box 99417 Troy MI 48099	Jan. 31, 2003
689-1223	Lawrence Halsey	663 Vanderpool, 83	Jan. 31, 2003
689-9401H (313)665-4284B	Jan L. Hubbell	1080 Glaser, 98	Jan. 31, 2002
524-1595	Richard A. Kilmer	62 Hickory, 83	Jan. 31, 2002
689-0217H 223-2303B	Michael Palchesko	36 Randall, 98	Jan. 31, 2002
524-9062H 689-2920B	Charles A. Solis, Ch.	1866 Crimson, 83	Jan. 31, 2003
524-3379	John Abraham	Traffic Engineer	(Ex-officio)
524-3443	Charles Craft	Police Chief	(Ex-officio)
524-3419	William Nelson	Fire Chief	(Ex-officio)

## Troy Daze Committee

Appointed by Council (9) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
528-0155 H 322-9813B	Robert A. Berk	726 Thurber, 98	Nov. 30, 2003
879-9030H 879-0272B	Sue Bishop	6109 Emerald Lake, 98	Nov. 30, 2004
528-1551	Jim D. Cyrulewski.	626 Randall, 98	Nov. 30, 2004
689-9244	Cecile Dilley	2722 Sparta, 83	Nov. 30, 2004
828-8084	Kessie Kaltsounis	6798 Jasmine, 98	Nov. 30, 2002
879-6958H 354-3710B	Richard L. Tharp	6881 Westaway Dr.98	Nov. 30, 2003
649-4345H 944-5968B	William F Hall	1891 Kirts, Apt 215, 84	Nov. 30, 2002
689-2074H 569-8454B	Jeffrey Stewart (Repr to Parks/Rec Board)	884 Hidden Ridge, 83	Sept. 30, 2003
879-3710	Eldon Thompson	6500 Denton, 98	Nov. 30, 2002
952-1732	Cheryl A Kaszubski	1878 Freemont, 98	Nov. 30, 2003
952-1763	Rebecca Mill (Student)	1478 Brentwood, 98	July 1, 2001



L. Brooks Patterson  
Chairman

## REPUBLICAN COMMITTEE of Oakland County

30701 Woodward Avenue Suite 310

Royal Oak, Michigan 48073

P: (248) 655-0501 F: (248) 655-0506

www.oaklandgop.net

December 10, 2001

RECEIVED  
CITY OF TROY  
2001 DEC 13 AM 10:34

Ms. Barbara A. Holmes  
Deputy City Clerk  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

RE: Board of Canvassers - Term Expiration of Mary Shiner

Dear Ms. Holmes:

In response to your letter, dated December 3, 2001, regarding the expiration on December 31, 2001 of a Republican representative on the Board of Canvassers, please be advised that I recommend the reappointment of Mary Shiner to this Board.

If you should need any additional information, please contact our office.

Very truly yours,



L. Brooks Patterson

LBP/cw

F-1



L. Brooks Patterson  
Chairman

## REPUBLICAN COMMITTEE of Oakland County

30701 Woodward Avenue Suite 310

Royal Oak, Michigan 48073

P: (248) 655-0501 F: (248) 655-0506

[www.oaklandgop.net](http://www.oaklandgop.net)

December 10, 2001

Ms. Barbara A. Holmes  
Deputy City Clerk  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

RE: Election Commission - Term Expiration of David C. Anderson

Dear Ms. Holmes:

In response to your letter, dated November 19, 2001, regarding the expiration on December 31, 2001 of the Republican representative on the Election Commission, please be advised that I recommend the reappointment of David C. Anderson to this Commission.

If you should need any additional information, please contact our office.

Very truly yours,

L. Brooks Patterson

LBP/cw

2001 DEC 12 PM 12:21

RECEIVED  
CITY OF TROY

F-1

# Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

November 26, 2001

David C. Anderson  
2361 Oak Ridge  
Troy MI 48098

Your appointment to the Election Commission will expire in January, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (If any) in other Boards and Committees by completing the following form.

## APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two** years. **(Please type or print)**

Date: December 5, 2001

Name: David C. Anderson

Address: 2361 Oakridge

City: Troy, Michigan Zip: 48098

Home Phone Number: (248) 952-5708

Employer: Law Office of David C. Anderson, P.C.

Address: 305 East Maple Road Phone: (248) 526-0133  
Troy, Michigan 48083

Are you a registered voter in the City of Troy? Yes

How long have you lived continuously in the City of Troy? 21 Years

Have you ever been convicted for anything other than a minor traffic violation? No

Number the Advisory Boards or Committees for which you would like to apply:  
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- ☐ Advisory Committee for Persons with Disabilities
- ☐ Animal Control Appeals Board
- ☐ Board of Review
- ☐ Building Code Board of Appeals
- ☐ Charter Revision Committee
- ☐ Downtown Development Authority
- ☐ Election Commission
- ☐ Historic District Commission
- ☐ Liquor Committee
- ☐ Parks & Recreation Board
- ☐ Planning Commission
- ☐ Traffic Committee

- ☐ Advisory Committee for Senior Citizens
- ☐ Board of Canvassers
- ☒ 1 Board of Zoning Appeals
- ☐ CATV Advisory Committee
- ☐ Civil Service Commission Act 78
- ☐ Economic Development Corporation
- ☐ Historical Commission
- ☐ Library Board
- ☐ Municipal Building Authority
- ☐ Personnel Board
- ☐ Retirement System Board of Trustees
- ☐ Troy Daze Committee

☒ **I wish to be reappointed**

☐ **I do not wish to be reappointed**

F-1

# Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

November 26, 2001

Max K. Ehlert  
6614 Northpoint  
Troy MI 48098

Your appointment to the Liquor Committee will expire in January, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (If any) in other Boards and Committees by completing the following form.

## APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two** years. **(Please type or print)**

Date: 11-30-01

Name: MAX K. EHLERT

Address: 6614 NORTHPOINT

City: TROY Zip: 48065

Home Phone Number: 248-813-8540 879-0617

Employer: TROY - METRO AGENCY, INC.

Address: 5980 LIVERNOIS TROY Phone: 248-813-8540

Are you a registered voter in the City of Troy? YES

How long have you lived continuously in the City of Troy? 15 YRS

Have you ever been convicted for anything other than a minor traffic violation? NO

Number the Advisory Boards or Committees for which you would like to apply:  
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

☐ Advisory Committee for Persons with Disabilities

☐ Animal Control Appeals Board

☐ Board of Review

☐ Building Code Board of Appeals

☐ Charter Revision Committee

☐ Downtown Development Authority

☐ Election Commission

☐ Historic District Commission

☐ Liquor Committee

☐ Parks & Recreation Board

☐ Planning Commission

☐ Traffic Committee

☐ Advisory Committee for Senior Citizens

☐ Board of Canvassers

☐ Board of Zoning Appeals

☐ CATV Advisory Committee

☐ Civil Service Commission Act 78

☐ Economic Development Corporation

☐ Historical Commission

☐ Library Board

☐ Municipal Building Authority

☐ Personnel Board

☐ Retirement System Board of Trustees

☐ Troy Daze Committee

☒ I wish to be reappointed

☐ I do not wish to be reappointed

F-1

# Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

November 26, 2001

RECEIVED  
CITY OF TROY

2001 DEC -6 PM 12:07

John A. Gleeson  
6186 Elmoor  
Troy MI 48098

Your appointment to the Municipal Building Authority will expire in January, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (If any) in other Boards and Committees by completing the following form.

## APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two years**. (Please type or print)

Date: \_\_\_\_\_

Name: JOHN A. GLEESON

Address: 6186 ELMOOR

City: TROY Zip: 48098

Home Phone Number: 248-879 0797

Employer: RETIRED

Address: — Phone: —

Are you a registered voter in the City of Troy? YES

How long have you lived continuously in the City of Troy? 35 yrs.

Have you ever been convicted for anything other than a minor traffic violation? NO

Number the Advisory Boards or Committees for which you would like to apply:  
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

\_\_\_\_ Advisory Committee for Persons with Disabilities

\_\_\_\_ Animal Control Appeals Board

\_\_\_\_ Board of Review

\_\_\_\_ Building Code Board of Appeals

\_\_\_\_ Charter Revision Committee

\_\_\_\_ Downtown Development Authority

\_\_\_\_ Election Commission

\_\_\_\_ Historic District Commission

\_\_\_\_ Liquor Committee

\_\_\_\_ Parks & Recreation Board

\_\_\_\_ Planning Commission

\_\_\_\_ Traffic Committee

\_\_\_\_ Advisory Committee for Senior Citizens

\_\_\_\_ Board of Canvassers

\_\_\_\_ Board of Zoning Appeals

\_\_\_\_ CATV Advisory Committee

\_\_\_\_ Civil Service Commission Act 78

\_\_\_\_ Economic Development Corporation

\_\_\_\_ Historical Commission

\_\_\_\_ Library Board

\_\_\_\_ Municipal Building Authority

\_\_\_\_ Personnel Board

\_\_\_\_ Retirement System Board of Trustees

\_\_\_\_ Troy Daze Committee

☐ I wish to be reappointed

☒ I do not wish to be reappointed

F-1

# Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

November 26, 2001

Jan L. Hubbell  
1080 Glaser  
Troy MI 48098

Your appointment to the Traffic Committee will expire in January, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (if any) in other Boards and Committees by completing the following form.

## APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two** years. **(Please type or print)**

Date: 12-3-01

Name: Jan L. Hubbell

Address: 1080 Glaser

City: Troy Zip: 48065

Home Phone Number: 689-9401

Employer: General Motors

Address: 300 Renaissance Dr. Phone: 313 665-4284

Detroit, MI  
Are you a registered voter in the City of Troy? Yes

How long have you lived continuously in the City of Troy? 25 yrs

Have you ever been convicted for anything other than a minor traffic violation? No

Number the Advisory Boards or Committees for which you would like to apply:  
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- ☐ Advisory Committee for Persons with Disabilities
- ☐ Animal Control Appeals Board
- ☐ Board of Review
- ☐ Building Code Board of Appeals
- ☐ Charter Revision Committee
- ☐ Downtown Development Authority
- ☐ Election Commission
- ☐ Historic District Commission
- ☐ Liquor Committee
- ☐ Parks & Recreation Board
- ☐ Planning Commission
- ☒ Traffic Committee

- ☐ Advisory Committee for Senior Citizens
- ☐ Board of Canvassers
- ☐ Board of Zoning Appeals
- ☐ CATV Advisory Committee
- ☐ Civil Service Commission Act 78
- ☐ Economic Development Corporation
- ☐ Historical Commission
- ☐ Library Board
- ☐ Municipal Building Authority
- ☐ Personnel Board
- ☐ Retirement System Board of Trustees
- ☐ Troy Daze Committee

☒ I wish to be reappointed

☐ I do not wish to be reappointed

F-1



# Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

November 26, 2001

Richard A. Kilmer  
62 Hickory  
Troy MI 48083

Your appointment to the Traffic Committee will expire in January, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (if any) in other Boards and Committees by completing the following form.

## APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two** years. **(Please type or print)**

Date: 11-28-01

Name: RICHARD A. KILMER

Address: 62 HICKORY

City: TROY Zip: 48083

Home Phone Number: 248-524-1595

Employer: RETIRED

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Are you a registered voter in the City of Troy? YES

How long have you lived continuously in the City of Troy? 57 YRS

Have you ever been convicted for anything other than a minor traffic violation? NO

Number the Advisory Boards or Committees for which you would like to apply:  
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- \_\_\_\_\_ Advisory Committee for Persons with Disabilities
- \_\_\_\_\_ Animal Control Appeals Board
- \_\_\_\_\_ Board of Review
- \_\_\_\_\_ Building Code Board of Appeals
- \_\_\_\_\_ Charter Revision Committee
- \_\_\_\_\_ Downtown Development Authority
- \_\_\_\_\_ Election Commission
- \_\_\_\_\_ Historic District Commission
- \_\_\_\_\_ Liquor Committee
- \_\_\_\_\_ Parks & Recreation Board
- \_\_\_\_\_ Planning Commission
- 1 \_\_\_\_\_ Traffic Committee

- \_\_\_\_\_ Advisory Committee for Senior Citizens
- \_\_\_\_\_ Board of Canvassers
- \_\_\_\_\_ Board of Zoning Appeals
- \_\_\_\_\_ CATV Advisory Committee
- \_\_\_\_\_ Civil Service Commission Act 78
- \_\_\_\_\_ Economic Development Corporation
- \_\_\_\_\_ Historical Commission
- \_\_\_\_\_ Library Board
- \_\_\_\_\_ Municipal Building Authority
- \_\_\_\_\_ Personnel Board
- \_\_\_\_\_ Retirement System Board of Trustees
- \_\_\_\_\_ Troy Daze Committee

☒ I wish to be reappointed

☐ I do not wish to be reappointed

F-1

# Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

November 26, 2001

Michael Palchesko  
36 Randall  
Troy MI 48098

Your appointment to the Traffic Committee will expire in January, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (If any) in other Boards and Committees by completing the following form.

## APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two** years. **(Please type or print)**

Date: November 28, 2001

Name: Michael Palchesko

Address: 36 Randall

City: Troy Zip: 48085

Home Phone Number: 248 689 0217

Employer: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Are you a registered voter in the City of Troy? \_\_\_\_\_

How long have you lived continuously in the City of Troy? \_\_\_\_\_

Have you ever been convicted for anything other than a minor traffic violation? \_\_\_\_\_

Number the Advisory Boards or Committees for which you would like to apply:  
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

\_\_\_\_ Advisory Committee for Persons with Disabilities

\_\_\_\_ Animal Control Appeals Board

\_\_\_\_ Board of Review

\_\_\_\_ Building Code Board of Appeals

\_\_\_\_ Charter Revision Committee

\_\_\_\_ Downtown Development Authority

\_\_\_\_ Election Commission

\_\_\_\_ Historic District Commission

\_\_\_\_ Liquor Committee

\_\_\_\_ Parks & Recreation Board

\_\_\_\_ Planning Commission

\_\_\_\_ Traffic Committee

\_\_\_\_ Advisory Committee for Senior Citizens

\_\_\_\_ Board of Canvassers

\_\_\_\_ Board of Zoning Appeals

\_\_\_\_ CATV Advisory Committee

\_\_\_\_ Civil Service Commission Act 78

\_\_\_\_ Economic Development Corporation

\_\_\_\_ Historical Commission

\_\_\_\_ Library Board

\_\_\_\_ Municipal Building Authority

\_\_\_\_ Personnel Board

\_\_\_\_ Retirement System Board of Trustees

\_\_\_\_ Troy Daze Committee

☐ I wish to be reappointed

☒ I do not wish to be reappointed

F-1

RECEIVED  
CITY OF TROY  
CITY OF TROY  
2001 NOV 30 PM 12:53

**CITY OF TROY, MICHIGAN**  
**APPLICATION FOR BOARDS AND COMMITTEES**

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.  
(Please type or print)

Date: November 28, 2001

Name: Vera E. Milz

Address: 1750 Woodgate Dr

City: Troy, MI Zip: 48083

Home Phone Number: 248-689-8952

Employer: Bloomfield Hills School District - Conant Elementary

Address: 4100 W. Quanton Rd., Bl. Hills, 48302 Phone: 248-932-6050

Are you a registered voter in the City of Troy? Yes

How long have you lived continuously in the City of Troy? since 12/75

Have you ever been convicted for anything other than a minor traffic violation? No

Number the Advisory Boards or Committees for which you would like to apply:  
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

☐ Advisory Committee for Persons with Disabilities

☐ Animal Control Appeals Board

☐ Board of Review

☐ Building Code Board of Appeals

☐ Charter Revision Committee

☐ Downtown Development Authority

☐ Election Commission

☐ Historic District Commission

☐ Liquor Committee

☐ Parks & Recreation Board

☐ Planning Commission

☐ Traffic Committee

☐ Advisory Committee for Senior Citizens

☐ Board of Canvassers

☐ Board of Zoning Appeals

☐ CATV Advisory Committee

☐ Civil Service Commission Act 78

☐ Economic Development Corporation

☒ 1 Historical Commission

☐ Library Board

☐ Municipal Building Authority

☐ Personnel Board

☐ Retirement System Board of Trustees

☐ Troy Daze Committee

☐ I do not wish to be reappointed.

F-1

Professional Qualifications and/or Work Experience:

Elementary School Educator January 1962-present  
Teacher Education Consultant: Elementary School Language Arts  
Ed.D. in Elementary Education, University of Arizona  
Book Reviewer: Michigan Reading Association Journal

Community Activities and/or Other Experience:

Troy Historical Society, Board Member  
CAMEO Quilting Guild, Member  
Friends of Troy Public Library, Member

Educational Background:

B.S. Wayne State University, 1/62  
M.A. University of Michigan, 8/64  
Ed.D. University of Arizona, 12/83

References (Please list name and address):

Harriet Barnard, 5945 Livernois, Troy 48098  
Al and Thelma Holdburg, 6315 Vernmoor, Troy, 48098

Please indicate REASONS FOR DESIRING TO SERVE:

To help preserve Troy history  
To bring Troy's history to the young people of our community.

Signature: Vera L. Mink

PLEASE RETURN THIS APPLICATION TO: TROY CITY CLERK'S OFFICE  
500 W Big Beaver Road  
Troy MI 48064

# Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

November 26, 2001

James E. Reece Jr  
2915 Hill  
Troy MI 48098

Your appointment to the Planning Commission will expire this December. Please indicate whether you wish to be **reappointed** to this committee and your interest (If any) in other Boards and Committees by completing the following form.

## APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years. (Please type or print)

Date: DEC 11, 2001

Name: JAMES E. REECE, JR.

Address: 2915 HILL DRIVE

City: TROY Zip: 48085-3715

Home Phone Number: 248.689.3722

Employer: MSXI/DCX (CONSULTANT TO DAIMLERCHRYSLER)

Address: 2730 RESEARCH DRIVE  
ROCHESTER HILLS MI 48309 Phone: 248.838.5275

Are you a registered voter in the City of Troy? YES

How long have you lived continuously in the City of Troy? 33 YEARS

Have you ever been convicted for anything other than a minor traffic violation? NO

Number the Advisory Boards or Committees for which you would like to apply:  
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

☐ Advisory Committee for Persons with Disabilities

☐ Animal Control Appeals Board

☐ Board of Review

☐ Building Code Board of Appeals

☐ Charter Revision Committee

☐ Downtown Development Authority

☐ Election Commission

☐ Historic District Commission

☐ Liquor Committee

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☒ Planning Commission

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☐ Advisory Committee for Senior Citizens

☐ Board of Canvassers

☐ Board of Zoning Appeals

☐ CATV Advisory Committee

☐ Civil Service Commission Act 78

☐ Economic Development Corporation

☐ Historical Commission

☐ Library Board

☐ Municipal Building Authority

☐ Personnel Board

☐ Retirement System Board of Trustees

☐ Troy Daze Committee

☒ I wish to be reappointed

☐ I do not wish to be reappointed

SEE ATTACHED LETTER

MAYOR MATT PRYOR IS LEANING TOWARDS APPOINTING SOMEONE ELSE

F-1

To: Mayor Matt Pryor

Fr: Jim Reece

cc: City Council members, Planning Commission members, John Szerlag, Mark Miller, and Lori Bluhm

Re: **Re-appointment to Planning Commission - Suggestions**

Matt, I will try to summarize and add to our conversations of November 14 & 29, 2001. I am interested in being re-appointed to the City of Troy Planning Commission for the following reasons (Pro & Con):

- ➔ Served Troy on PC since 1975 - still feel I provide fresh ideas from my experience and continuing travels.
- ➔ Wayne Wright and Larry Littman should be re-appointed over me – they will be in Troy longer.
- ➔ I have retired from DaimlerChrysler but am under contract part time between here and Germany.
- ➔ My DCX job involves planning annual BoM RTSM presenting future (long-term) technologies.
- ➔ We are spending more time traveling and at our cabin out west (way west, as in Seattle).
- ➔ Someday soon, we must decide to reside in Troy or Washington – when part time jobs end.

It sounds like you are leaning towards re-appointing 2 of the 3 and filling the third position with a developer, builder, Troy business owner, etc. I would like to help the City of Troy by remaining on the planning commission as long as I am a Troy resident and able to contribute – a year or so?

My understanding is that the Troy Planning Commission mission is to advise the Troy City Council on the long term (10, 20, 50, 100 year time horizon) development of the city. The "code of ethics" prevents a planning commissioner from voting on any subject with any type of financial interest. A planning commission of builders, developers, businessmen in Troy would have difficulty voting on their own or competitor projects.

Some of the subjects on which you and I have disagreed follow and I fully understand that my facts may be incorrect, but this is my perception:

- ➔ It still seems strange that you were a strong supporter for Hooters as a city council person and at the same time the landscape contractor. Seems like a conflict of interest but you do need to make a living.
- ➔ I have trouble with a mayor who does not own property in the City of Troy (I understand that you rent your home/apartment and have family that has lived in Troy for years).
- ➔ September 11, 2001 – I think that John Szerlag did a great job of running the City of Troy and appropriately cancelled Troy Daze. We were in Seattle where the area went to almost lockdown/blackout conditions (given Boeing manufacturing, Bangor Trident submarine base, and 2 naval shipyards – carriers/destroyers/etc.). I was unable to call Michigan phone numbers, unable to get onto the DaimlerChrysler communication network (voice or data) and the reports in Seattle were that riots had broken out in the Dearborn Arab community. My impression is that the Troy mayor is like the Chairman of the Board and City Council members like Board of Director members. The BOD sets corporate/city policy and empowers the full time city manager to run the city. City council members have a responsibility to their families/companies(employees)/City of Troy. Why are you so hard on John Szerlag?
- ➔ The impression that you support driving under the influence (Champs) and have authority to override police rulings. Why don't you back Easterbook and push for "zero" tolerance for DUI?
- ➔ It appears that you feel zoning is less important than landscaping (for example, a convenience store next to Eldon Thompson's or Dan MacLeish's home would be acceptable to you if properly landscaped).
- ➔ Rather than "badgering" people (your neighbor, etc.) with your ideas, instead, listen and try to understand their perspective.
- ➔ Instead of "hiding" behind the legal system "threat of being sued" – try to use the legal system to do what is "logical" and "best" for all parties involved – not just one person's gain.

To: Mayor Matt Pryor                      Fr: Jim Reece  
cc: City Council members, Planning Commission members, John Szerlag, Mark Miller, and Lori Bluhm

The City of Troy has lots of issues to deal with and I would like to help as much as possible. Major issues and my comments follow:

- Civic Center must have: total interconnection, multiple usage structures, button to button parking, auto/truck access capability, land ownership by the City of Troy, adequate traffic flow, etc.
- Need to address: wetlands/natural features, water management, flood insurance, etc.
- Preserve and strengthen the "Solar/Alternate Energy Ordinance" versus cancelling.
- Provide for NEV (Neighborhood Electric Vehicles) don't block them. Interconnecting neighbors is socially and physically appropriate. The only time a developer seems to push for NEV's is when they impact the bottom line as in gated communities.
- Traffic calming needs attention – like "roundabouts" as installed in Europe, the West Coast, even retrofitting old Seattle residential neighborhoods.
- Controlling density to prevent becoming like China.

I fully understand that you want new people on the planning commission, but I have trouble with your philosophies. I would suggest visionaries to move the city forward versus those who want to circumvent what has made the city a desirable place to live and work. I hope the City of Troy never returns to the days of James Damman and the secret Lincoln Land Development Company.

After about 27 years of putting your heart and soul into trying to make Troy the best city in the world it is hard to let go – be pushed out. Apparently it is time to get rid of the person who tried to incorporate "zero lot line building", and place large parking decks at the I-75 and 16 mile interchange to feed the Golden Corridor with enclosed metro-belts.

Never write more than one page! ☺. Well, I failed, but will stop as I probably could write several pages.

Happy holidays to all and the best of everything in all you do.



Jim Reece

(MI home 248.689.3722, WA home 360.427.1981, Cell 248.821.7300, Office 248.838.5275)

City form and resume attached for your reference

**Resume:**     **James E. Reece, Jr., PE**

**Specialty:**

- ◆ Thinking outside the box and creating new ways to do business.
- ◆ Organizing and systemizing processes.
- ◆ Creating and analyzing alternatives to identify the best approach.

**Education:**

- ◆ PE (registered professional engineer) – Michigan 1974.
- ◆ MBA (Masters in Business Administration) – Wayne State University – Michigan 1971.
- ◆ BSME (Mechanical Engineering) – Washington State University – 1966.
- ◆ Bachelor of Industrial Management – Washington State University – 1964.

**Experience:**

**MSX International – March 2001 to Present**

- ◆ Consultant to DaimlerChrysler supporting advanced technology presentations noted below.

**Chrysler/DaimlerChrysler – June 1964 to February 2001**

- ◆ US representative on global planning committee for annual Board of Management Research and Technology Strategy meeting (1999, 2000, 2001 and 2002).
- ◆ Program manager developing new technologies for cars and trucks for production in 5 to 15 years. Manager of Program Management and Cost Estimating departments (1994 to 2001).
- ◆ DaimlerChrysler Management Club President 1996-7. Chartered to advance management skills through education and networking. Held several positions in 33 year membership (1968 – present).
- ◆ Senior Product Planner creating new Eagle, Jeep, and Dodge vehicles - with Marketing, Sales, Design Office, Engineering, Manufacturing, Finance, etc. to insure customer acceptance and profitability. Worked with Korean and Japanese manufacturers (1988 – 1994).
- ◆ Advance Product Planner developing concepts utilizing new materials, processes, and technologies to create more cost competitive vehicles for confirmation through Consumer Research (1984 – 1988).
- ◆ Supervisor of Forward Model Cost control group responsible for estimating future vehicle variable manufacturing piece cost. Creating vehicle bills of material through the integration of engineering, purchasing, manufacturing, and finance databases (1982 – 1984).
- ◆ Finance Staff charged with developing and implementing computer based cost reporting and forecasting of vehicle piece cost through the integration of Engineering, Purchasing, Manufacturing, and Finance data bases (1977 – 1982).
- ◆ Finance Staff establishing tooling and facilities spending patterns for worldwide Product Planning actions (1976 – 1977).
- ◆ Management Organization and Systems Staff developing, implementing, and improving world wide reporting systems relating distribution, quality, budgets, etc. (1969 – 1976).
- ◆ International Product Planner establishing engineering specifications for vehicles to be marketed world wide and providing liaison between plants and product engineering (1968 – 1969).
- ◆ Product Engineer at the Los Angeles Assembly Plant providing liaison between the assembly plant and the Detroit Product Engineering Office for all areas of the car (1967 – 1968).
- ◆ Industrial Engineer at the Los Angeles Assembly Plant rotating to all areas of the plant improving manufacturing processes and incorporating new engineering releases (1964 – 1967).

**City of Troy – 1974 to Present**

- ◆ City of Troy (80,000 population) Planning Commission member and past chairman reviewing site plans, zoning, Master Land Use Plan, etc. (1974 – Present). Also served on BZA (Board of Zoning Appeals), various futuring committees, and attended national planning conferences, etc.

**Countries worked in: United States, Germany, Japan, and China.**

Jim Reece                      (Michigan 248.689.3722, Washington State 360.427.1981, U. S. Cell 248.821.7300)  
2915 Hill Drive              Troy, Michigan              48085-3715



***Board of Zoning Appeals  
Committee of 7***

<b><i>Presently Serving Name</i></b>	<b><i>Address</i></b>	<b><i>Telephone Numbers</i></b>	<b><i>Term Expires</i></b>	<b><i>Original Appt Date</i></b>	<b><i>TimeApplied Term Limits</i></b>
Courtney, Kenneth L	PO Box 53, 48099	879-1733	4/30/04	4/10/95	4/23/01
Fejes, Christopher	6475 Elmoor, 98	828-4361	4/30/03	1/11/93	3/20/00
Gies, Marcia	4801 Heatherbrook, 98	689-8908H 399-1400B	4/30/04	5/07/01	5/07/01
Hutson, Michael W	2396 Ridge, 98	641-7582	4/30/03	1/10/00	1/10/00 3/20/00
Kovacs, Matthew R	5621 Livernois, 98	879-5193H 458-5900B Ext 610	4/30/02	6/04/01	6/04/01
Maxwell, Mark	4164 Wentworth, 98	649-2115	4/30/02	4/12/99	4/12/99
Storrs, Walter A III (Plan Rep)	5676 Martell, 98	879-8529	12/31/01	1/22/01	
Waller, David T (Plan Rep Alt.)	2921 Townhill, 84	642-9737	12/31/01	1/22/01	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

## RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

## BOARDS/COMMITTEES OF TROY

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Anderson, David C	2361 Oakridge, 98	952-5708H 526-0133B	12/06/01 12/2003	12/17/01	Election Commission
Bordas, Douglas M	5902 Cliffside, 98	828-8940	8/19/99		Parks and Rec Board
Butt, Shazad	5381 Clearview, 98	641-8505	7/13/00/6/26/01 5/2003	8/07/00 7/09/01	
Deel, Ryan J	2926 Roundtree, 83	252-4588H 357-6610B	5/17/01/6/25/01 5/2003	5/21/01 7/09/01	
Grinnell, Eric S	416 E Square Lk MAIL TO: PO Box 99417, 99	879-0250H 663-5055B	4/23/01	4/23/01	Traffic Committee
Howrylak, Frank J	3035 Newport, 84	643-6653H 512-3110B	4/05/01	4/09/01	Board of Review
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	7/19/00 3/22/01	Charter Revision Committee
Laze, Rudolf Q	2843 Iowa, 83	585-3668H 546-6700B	3/01/01 3/2003	3/05/01	
Mayer, Endre	6435 Denton, 98	828-8671H	9/21/01 9/2003	10/01/01	
Noce, Robert Wilson	2850 Orchard Trail, 98	540-1606	11/16/00 11/2002	11/20/00	
Ogg, David	3951 Forge, 83	689-2210	2/9/99 4/16/01	4/23/01	Advisory Comm for Sr Citizens
Patel, Shreeti	43 Crestfield, 98	740-1231	10/24/00 10/2002	11/06/00	
Silver, Neil S	3837 Edenderry, 83	680-0147	8/11/00 6/20/01 5/2003	8/21/00 7/09/01	
Walker, James	5356 Orchard Crest, 98	879-1223B	6/11/99 6/14/01 5/2003		
Wright, Wayne C	2515 Homewood, 98	641-7115H 810-775-7710B	1/7/99		Planning Commission

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Election Commission  
Committee of 3***

<b><i>Presently Serving Name</i></b>	<b><i>Address</i></b>	<b><i>Telephone Numbers</i></b>	<b><i>Term Expires</i></b>	<b><i>Original Appt Date</i></b>
Anderson, David C (R)	2361 Oak Ridge, 98	952-5708H 641-8000B	1/31/02	2/08/82
Dewan, Timothy (D)	6234 Crescent Way, 98	879-0912	12/31/01 Chg to 1/31/02	5/04/98
Bartholomew, Tonni	City Clerk	524-3316	Charter	10/02/00

<b><i>Interested Citizens Name</i></b>	<b><i>Address</i></b>	<b><i>Telephone Numbers</i></b>	<b><i>Date Received</i></b>	<b><i>Sent To Council</i></b>	<b><i>Currently Serving</i></b>
Gauri, Kul B	5305 Greendale, 98	680-0325	8/26/99		Advisory Committee Persons w/Disabilities
Hoef, Paul V	3671 Scott, 84	641-1358H 244-3521B	9/12/01 9/2003	9/17/01	
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	8/09/00 4/09/01	Charter Revision Committee
Shah, Jayshree	4053 Drexel	952-5555H 810-986- 3191	08/28/01 8/2003	9/17/01	
Ziegenfelder, Peter	3695 Forge, 83	528-0237H 696-2277B	12/07/00 6/11/01 5/2003	12/18/00 7/09/01	



***Historical Commission  
Committee of 7***

<b><i>Presently Serving Name</i></b>	<b><i>Address</i></b>	<b><i>Telephone Numbers</i></b>	<b><i>Term Expires</i></b>	<b><i>Original Appt Date</i></b>	<b><i>TimeApplied Term Limits</i></b>
Bortner, Edward	193 Hurst, 98	879-0195	7/31/02	4/24/95	10/04/99
Kaniarz, Roger	4350 Stonehenge, 98	649-5074H 810-497-5333B	7/31/02	4/09/01	4/09/01
Kmett, Cynthia <b>Resigned</b>	1168 Snead, 98	879-8659	7/21/01	9/15/97	
Kornacki, Rosemary	44648 Rivers Edge, 98	641-1962	7/31/02	11/06/95	11/01/99
Sucheta Sikdar <b>(Student)</b>	539 Kirts Blvd Apt 28	269-9087	7/01/02	9/10/01	
Lindsey, Kevin	6890 Norton, 98	828-3632H 753-2408B	7/31/03	3/05/01	3/05/01
Rounds, Muriel	6291 Ledwin, 98	879-6567	7/31/03	1/92	3/05/01
Wattles, Brian J	3864 Livernois, 83	689-1249	7/31/04	2/06/89	7/23/01

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Historical Commission  
Committee of 7***

<b><i>Interested Citizens Name</i></b>	<b><i>Address</i></b>	<b><i>Telephone Numbers</i></b>	<b><i>Date Received</i></b>	<b><i>Sent To Council</i></b>	<b><i>Currently Serving</i></b>
Krivoshein, Kerry S	1259 Ashley, 98	524-0227H 576-4799B	8/12/99 6/14/01 5/2003	7/09/01	
Milz, Vera E.	1750 Woodgate, 83	689-8952H 932-6050B	11/30/01 11/2003	12/19/01	

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**Personnel Board  
Committee of 5**

<b>Presently Serving Name</b>	<b>Address</b>	<b>Telephone Numbers</b>	<b>Term Expires</b>	<b>Original Appt Date</b>	<b>TimeApplied Term Limits</b>
Nelson, Albert T Jr	5849 Clearview, 98	313-964-2360B 248-670-4859Cell	4/30/03	6/19/00	6/19/00
Patrick, Stephen Jr	5555 Whitehaven, 98	879-9710	4/30/01	5/19/80	3/20/00
Tavalin, Jonathan V	5345 Corbin, 98	952-5230	4/30/02	2/10/92	3/29/99
Tschirhart, Ronald L Sr	357 Tara, 98	879-7546	4/30/02	2/01/93	3/29/99
Vanderbrink, James E	6666 Whiting, 98	879-8870	4/30/03	8/13/84	3/20/00

<b>Interested Citizens Name</b>	<b>Address</b>	<b>Telephone Numbers</b>	<b>Date Received</b>	<b>Sent To Council</b>	<b>Currently Serving</b>
Baughman, Deborah L	967 Muer, 84	362-3082H 313-961-8380B	3/29/01 6/18/01 5/2003	4/09/01 7/09/01	
Daugherty, Patrick	5512 Whitfield, 98	641-1849H 313-442-6495B	11/14/01 11/2003	11/19/01	
Huber, Laurie G	2794 Saratoga, 83	619-1487	6/18/01 5/2003	7/09/01	
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	8/09/00 4/09/01	Charter Revision Committee
Rogowski, Robert F	3311 Medford, 84	637-9576H 313-226-9539B	11/14/01 11/2003	12/17/01	
Sak, Daniel M	1525 Greenwich, 98	952-5452H 952-5969B	5/19/00 5/2002	6/05/00	
Ziegenfelder, Peter F	3695 Forge Dr, 83	528-0237H 696-2277B	12/07/00 6/11/01 5/2003	12/18/00 07/09/01	

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***Planning Commission  
Committee of 9***

<b><i>Presently Serving Name</i></b>	<b><i>Address</i></b>	<b><i>Telephone Numbers</i></b>	<b><i>Term Expires</i></b>	<b><i>Original Appt Date</i></b>	<b><i>TimeApplied Term Limits</i></b>
Chamberlain, Gary G	4850 Alton, 98	524-9850	12/31/02	3/04/85	12/13/99
Keoleian, Jordan C (Student)	3709 Kings Point Dr, 83	689-1849	7/01/02	9/11/00	
Kramer, Dennis	1903 Spiceway, 98	952-5588H 435-1712B	12/31/03	10/24/88	12/18/00
Littman, Larry	6867 Killarney, 98	828-7100	12/31/04	3/29/99	3/29/99
Pennington, Cynthia	1924 Westwood, 83	528-3848	12/31/02	5/07/01	5/07/01
Reece, James Jr	2915 Hill, 98	689-3722H 248-838-5275B	12/31/01	2/03/75	
Starr, James H	2643 Arrowhead, 83	524-2285 248-338-2300B	12/31/02	2/23/87	12/13/99
Storrs, Walter A III	5676 Martell, 98	879-8529	12/31/03	10/18/76	12/04/00
Waller, David T	2921 Townhill, 84	642-9737	12/31/03	10/18/93	12/04/00
Wright, Wayne C	2525 Homewood, 98	641-7115H 810-775-7710B	12/31/04	7/27/81	12/03/01

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## RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

## BOARDS/COMMITTEES OF TROY

<b><i>Interested Citizens Name</i></b>	<b><i>Address</i></b>	<b><i>Telephone Numbers</i></b>	<b><i>Date Received</i></b>	<b><i>Sent To Council</i></b>	<b><i>Currently Serving</i></b>
Baughman, Deborah L	967 Muer, 84	362-3082H 313-961-8380B	3/29/01/6/18/01 <b>5/2003</b>	4/09/01 7/09/01	
Culpepper, Michael	1236 Autumn, 98	952-1952	12/97		Downtown Developmnt Authority
D'Anna, Philip	5149 Westmoreland, 98	740-9244	2/08/99		Advisory Comm For Persons w/Disabilities
Deel, Ryan J	2926 Roundtree, 83	252-4588H 357-6610B	5/17/01/6/25/01 <b>5/2003</b>	5/21/01 7/09/01	
Godlewski, W S	2784 Whitehall, 98	689-4614			Liquor Committee
Hall, Patrick C	5363 Clearview, 98	641-4765H 952-0400B	1/26/01 <b>1/2003</b>	2/05/01	
Howrylak, Frank J	3035 Newport Ct, 84	643-6653H 512-3110B	4/05/01	4/09/01	Board of Review
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	7/19/00 3/22/01	Charter Revision Committee
Kovacs, Matthew	5621 Livernois, 98	879-5193H 458-5900BExt. 610	1/08/01	1/22/01	Board of Zoning Appeals
Victoria Lang	2700 Dashwood, 83	589-3304	7/09/01 <b>6/2003</b>	7/23/01	
Laze, Rudolf Q	2843 Iowa, 83	585-3668H 546-6700B	3/01/01 <b>3/2003</b>	3/05/01	
Lepp, Gary R	1227 Autumn, 98	641-3058H 641-8129B	4/16/01 <b>4/2003</b>	4/23/01	
Lin, Paul Chu	1599 Witherbee, 84	645-2187	5/22/00	6/05/00	Historic District
Manetta, Pauline	1473 Lila, 85	689-4983H 547-3286B	11/26/01 <b>11/2003</b>	12/03/01	
Milia, Carmelo	3911 Boulder, 84	643-0859	6/14/01 <b>5/2003</b>	7/09/01	
Nelson, Albert Taylor	5846 Clearview, 98	528-1111B			Personnel Board
Ogg, David	3951 Forge, 83	689-2210	2/9/99 4/16/01	4/23/01	Advisory Comm for Sr Citizens

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## RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

## BOARDS/COMMITTEES OF TROY

<b><i>Interested Citizens Name</i></b>	<b><i>Address</i></b>	<b><i>Telephone Numbers</i></b>	<b><i>Date Received</i></b>	<b><i>Sent To Council</i></b>	<b><i>Currently Serving</i></b>
Patel, Shreeti	43 Crestfield, 98	740-1231	10/24/00 10/2002	11/06/00	
Rocchio, James	2810 Waterloo, 84	649-9612H 205-2748B	4/16/01	4/23/01	Economic Development Corp
Schultz, Robert M	883 Kirts Blvd	362-2128H 827-2359B	1/15/01 6/19/01 5/2003	1/22/01 7/09/01	
Shah, Jayshree	4053 Drexel Dr, 98	952-5555	12/06/00 12/2002	12/04/00	
Silver, Neil S	3837 Edenderry, 83	680-0147	8/11/00 6/20/01 5/2003	8/21/00 7/09/01	
Ullmann, Lon M	5621 Willow Grove, 98	828-7625	3/19/01	4/09/01	Brownfield Redevelopment Auth
Walker, James	5356 Orchard Crest, 98	879-1223B	6/11/99 6/14/01 5/2003	7/09/01	
Wattles, Brian J	3864 Livernois, 83	689-1249	7/10/01 6/2003	7/23/01	Historical Commission
Wilberding, Bruce	3762 Boulder, 84	649-3073H 680-0400B	8/05/99		Brownfield Redevelopment Auth
Ziegenfelder, Peter F	3695 Forge Dr, 83	528-0237H 696-2277B	12/07/00 6/11/01 5/2003	12/18/00 07/09/01	

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December 13, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director  
Doug Smith, Real Estate & Development Director  
Steven J. Vandette, City Engineer

SUBJECT: Easement Access for Improvements to the Fetterly  
Drain for the Proposed Oak Forest Subdivision

While Council considers the suggested resolution to approve access to the Fetterly Drain easement across city property, you should be aware that future approval of the Wetland or Natural Features Ordinances would not apply to the proposed Oak Forest Subdivision. This subdivision was granted tentative preliminary plat approval on July 23, 2001, and whereas the proposed ordinances do not apply to site plans approved prior to adoption of the ordinances, Oak Forest would be exempt from all provisions of the proposed ordinances. The subdivision would still be subject to state regulation of wetlands larger than five acres or wetlands contiguous to a stream.

Approval of access to the easement permits the developer to proceed with site engineering plans in preparation for final preliminary plat approval. These plans will include detailed design of storm and sanitary sewers, water mains, storm water detention, grading and drainage and design of the Fetterly Drain improvements as well as all other improvements required by city development standards. These plans will be submitted for city review and review by the Drain Commission for Oakland County for compliance with all current design standards, ordinances and laws pertaining to wetlands, development and storm water management. Final preliminary plat approval by City Council shall not be recommended until the plans meet all applicable requirements.

It is recommended that Council grant conditional approval to access the easement across city property, subject to the developer submitting site engineering plans that meet all applicable state and local laws, ordinances and design requirements, including state wetland regulations. Plan approval and easement access shall be subject also to the developer allowing the city access to property that will be impacted by the Fetterly Drain improvements so that existing wetlands can be inventoried and an assessment of impacts to existing state regulated wetlands can be made and all impacts eliminated or mitigated to the satisfaction of the city and the Michigan Department of Environmental Quality.

November 27, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director  
Doug Smith, Real Estate and Development  
Steven J. Vandette, City Engineer

SUBJECT: Fetterly Drain and the Proposed Oak Forest Subdivision

In response to a letter from Joseph Kozma (copy attached) of the Oakland County Drain Commission, we would like to inform Council of several issues related to the required improvement of the Fetterly Drain for development of Mr. Garrett's property and to receive your guidance prior to scheduling a meeting with John McCulloch, Oakland County Drain Commissioner. The developer, Mr. Joel Garrett, wishes to proceed with the subdivision but he first must receive assurance from the Drain Commission that they will proceed with the Fetterly Drain improvement. For the cleanout to occur, the city must give approval to access the Fetterly Drain easement across city owned property located south of the proposed subdivision. Additionally, the Drain Commission may seek a temporary construction easement adjacent to the existing 40-foot wide Fetterly Drain easement that would allow for efficient operation of equipment and construction of the drain project.

The first issue is the drain improvement itself. As indicated in Mr. Kozma's letter, a previous proposal involving cleanout of the Fetterly Drain resulted in controversy and intense negative reaction from the public. A brief summary of events that preceded the controversy would be helpful in understanding the current situation.

The County constructed this drain in 1945 under Chapter 4 of the Drain Code. The drain is an open ditch approximately 3,730 feet long and located in a 40-foot wide easement. The Michigan Drain Code limits the repair and maintenance of Chapter 4 Drains to \$2,500 per mile per year, or about \$1,770 per year for the entire Fetterly Drain. This amount is not nearly sufficient for the cleanout that is necessary today, notwithstanding the fact that the Drain Commission has no money in the Fetterly Drain account for cleanout of this drain. Parties other than the Oakland County Drain Commission, the owner of the Drain, must finance any improvements.

In 1994 the City Engineering Department requested that the Drain Commission begin the process for cleanout and improvement of the Fetterly Drain from Atkins Road (north of Square Lake) to the northern boundary of the City's Jaycee Park. This request was prompted by the need for maintenance and an offer by Joel Garrett that he would pay the cost of cleanout across two properties that he owned within the project limits impacted by the Fetterly Drain. The estimated cost of the project in 1998 after Professional Engineering Associates (PEA) completed design work was \$875,000. Mr.

Garrett's share was \$158,670 for improvements across his properties. The proposed city share was \$716,330.

Opponents of the project said that the improvements will destroy natural wetlands, eliminate a blue heron rookery and habitat for other wildlife and create drainage problems elsewhere in the area and downstream. Also, there was some public concern about the community at large paying for drain improvements that allegedly would drain wetlands and promote development of these lands (see attached May 20, 1998 Oakland Press article).

City funding for the project was considered and tabled by City Council at their May 4 & 18, 1998 meetings. On July 20, 1998 City Council determined that they would not undertake any enclosure or cleanout project at that time until the Hubbell, Roth and Clark Master Storm Drain Study for Troy was completed. The study was to prioritize storm drain projects based on the severity of the drainage system inadequacy. This study, completed in July 1999, rated the Fetterly Drain project a priority 2. A priority 2 meant simply "The limits of the existing drainage system are exceeded during a design year storm event." This rating contrast with priority 1, which applies to an existing drainage system has the potential to cause structure damage and/or is a public safety concern. There has been no further action regarding city funding of the Fetterly Drain since the publication of the Master Storm Drain Study.

Wattles Square, Inc. (Mr. Joel Garrett) submitted Tentative Preliminary Plat Applications, in December of 1999, for the proposed Oak Forest and Oak Forest South Subdivisions. City Staff requested revisions to the plats and permission to inspect the wetlands on the properties. The City's wetlands consultant conducted a wetlands determination using historical data, aerial photography and a windshield survey. In January 2000 the Planning Commission tabled the Tentative Preliminary Plats to enable completion of necessary information including an environmental review and City requested revisions to the plats. Four tabling actions occurred at the Planning Commission in response to the lack of environmental information provided by the developer. In February of 2001 revised plats were submitted and included Oak Forest North Subdivision. Oak Forest North was not part of the developer's share of the estimated drain improvement costs because Mr. Garrett did not own the property in 1998. The required environmental information was not provided for the three proposed subdivisions. City Staff requested the required information be provided, prior to submittal to the Planning Commission. In April 2001 a revised Oak Forest Subdivision then was submitted, including a MDEQ Wetlands Assessment Report. This request included substantially smaller area than the earlier submittals. Eventually, in July of 2001, City Council granted Tentative Preliminary Plat Approval to a 10 acre, 24 lot subdivision. This approval includes the framework for the subdivision, setting the size and location of the lots, location of road rights-of-ways and the conceptual stormwater management system. Final Tentative Plat Approval is the next phase of development approval and requires full engineering approval. (Enclosed is a timeline of the subdivision submittals and summary of the subdivision platting process).

Mr. Garrett has verbally committed to paying the entire cost of the Fetterly Drain improvements from his property south to the north line of Jaycee Park. Whereas the previous plan included city funding for work on properties not owned by Garrett, including property north and south of Square Lake Road, north of Garrett's property, the currently proposed Fetterly Drain project would begin on his property and end at the north line of Jaycee Park. City approval of the project, therefore, would require no cost participation from the City of Troy, unless the city wishes to extend the project all the way to Atkins Road.

Any consideration of cleaning out the Fetterly Drain between Jaycee Park and Atkins Road should recognize that this area is an acquisition as part of the bond issue as a proposed acquisition for open space and parkland. Mr. Garrett's southern most parcel, the proposed Oak Forest South subdivision, is adjacent to Jaycee Park and has been as an expansion of the park. City Staff informed Mr. Garrett there is interest in purchasing some of his property to expand Jaycee Park. In addition, Mr. Garrett was informed that some type of linear park along the Fetterly drain was also desired by the City to provide a pedestrian friendly path connecting Jaycee Park to Square Lake, and hopefully beyond. Since those early discussions, the City has purchased four parcels south of Square Lake and north of Mr. Garrett's properties and purchased property north of Square Lake to extend the proposed trail system north ultimately to Flynn Park. Mr. Garrett has been willing to consider providing a path along the Fetterly drain as part of his projects.

Preliminary discussions with Mr. Garrett were held regarding the desire for more acreage that would provide for a much wider linear park through his proposed subdivisions. He indicated an interest in pursuing that, but only if the City were able to purchase the property along Willow Grove and make an exchange for his property through the center of his proposed subdivisions.

Since the wetland map indicates the presence of wetlands between Jaycee Park and Square Lake Road. An on site investigation would be required to determine wetland and natural feature limits. It should be noted that Mr. Garrett has expressly prohibited city officials or their consultants from entering upon his property to identify wetland and their limits, except for the 10 acre Oak Forest Subdivision with Tentative Preliminary Plat Approval. Without proper identification of size, location and limits of wetlands or natural features we cannot determine whether the property would be buildable, and therefore significantly alter Mr. Garrett's offer to pay for improvements to the Fetterly Drain.

Given the City's interest in a linear park from Jaycee Park to Square Lake, should management proceed to provide the necessary easements for the developer to complete the drain work or should the City proceed with attempting to work out a land transaction to acquire the linear park? We respectfully request your guidance on the City's position on approval of the proposed Fetterly Drain project.

**OAK FOREST (REVISED) SUB.  
TENT. PREL. PLAT APPROVED**

PROPOSED  
OAK FOREST NORTH SUB.

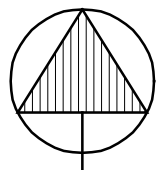
POSSIBLE FUTURE DEVELOPMENT

PROPOSED  
OAK FOREST SOUTH SUB.

CITY OWNED PROPERTY

JAY CEE PARK

PROPOSED  
ABBOTSFORD  
PARC SUB.



NORTH



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION,  
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
ON SITE OR LAYOUT OF STRUCTURES



- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION,  
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
ON SITE OR LAYOUT OF STRUCTURES



KEVIN R. LARSEN  
Chief Deputy Drain Commissioner  
(248) 858-0981

JOHN P. McCULLOCH  
OAKLAND COUNTY DRAIN COMMISSIONER  
BUILDING 95 WEST  
ONE PUBLIC WORKS DRIVE  
WATERFORD MI 48328-1907  
(248) 858-0958  
FAX (248) 858-1066

WILLIAM E. KLOCKOW, P.E.  
Deputy and Manager  
Engineering & Construction  
(248) 858-1094

DOUGLAS A. BUCHHOLZ, P.E.  
Deputy and Manager  
Operations & Maintenance  
(248) 858-1119

October 29, 2001

Neall Schroeder, P.E.  
Engineering Department  
City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

RECEIVED BY

OCT 31 2001

ENGINEERING

Reference: **Fetterly Drain**  
**Proposed "Oak Forest" Subdivision**

Dear Mr. Schroeder:

A preliminary plat for the proposed "Oak Forest" Subdivision has been submitted to this office by Professional Engineering Associates. The preliminary plat indicates that the subdivision will be located in the N.E. ¼ of Section 11, City of Troy and will involve the Fetterly Drain. The Fetterly Drain is a legally established County Drain under this office's jurisdiction.

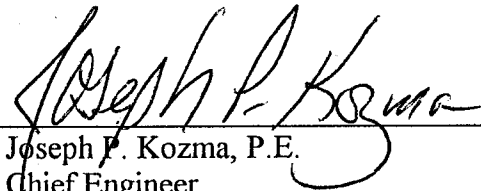
Previous proposals involving the Fetterly Drain resulted in controversy and intense negative reaction from the public toward both this office and the City of Troy. Therefore, prior to completing our review of the "Oak Forest" preliminary plat, Drain Commissioner John McCulloch thought it advisable to schedule a meeting with appropriate representatives of the City of Troy, the Developer, Wattles Square, Inc., and this office to review the proposal.

As we discussed, please provide this office with a few times and dates convenient with the appropriate Troy representatives to meet in this office with Mr. McCulloch to discuss the matter.

Thank you for your cooperation. If you have any questions, please call.

Very truly yours,

OAKLAND COUNTY DRAIN COMMISSIONER

By:   
Joseph P. Kozma, P.E.  
Chief Engineer

JPK/bjt

cc: Joel Garrett

d:\twyman\kozma\fetterlydrain.ltr



# Questions clog drain work

By BOB GRITZINGER  
Of The Oakland Press

**TROY** Allegations are swirling over plans to improve a simple dirt ditch draining a swampy, wooded area south of Square Lake Road near John R.

On one side of the dispute are the Oakland County Drain Commission and local developer Joel Garrett. Both have hired the same Troy engineering firm, Professional Engineering Associates Inc., to work on the project involving the Fetterly Drain.

If the drain is improved as proposed, Garrett can develop his property and other residents and properties in the 320-acre area served by the drain will be protected from flooding, supporters contend.

On the other side are some local residents and city officials who want to know why the \$368,000 project to clean the half-mile open drain has ballooned to \$875,000 for a covered drain.

"It appears he (the developer) is trying to get the city and taxpayers to pay to drain wetlands that he bought cheap so he can develop it," said resident Lon Ullman, whose questions prompted city officials to delay the project.

"All I know is that suddenly we're faced with covering a drain that no one can ever recall overflowing its banks," said Troy Mayor Jeanne Stine.

Opponents say the improvements will destroy natural wetlands, eliminate a 20-nest blue heron rookery and habitat for other wildlife and

create drainage problems elsewhere in the area and downstream.

"We don't want to see the wetlands drained and developed and we sure don't want our members who live in Troy to have to pay for it," said Nolan Bennett, programs director for Clean Water Action, a statewide nonprofit environmental group with 3,000 members in Troy.

"We have some real concerns about this use of taxpayers' dollars," Bennett said.

City officials have postponed action on the project several times since mid-April. On Monday, the council delayed action until June 15 and authorized assistant city manager John Szerlag to send a letter to the drain commission asking a series of questions.

Among those concerns:

- Whether the drain is capable of handling a "10-year" rain estimated at 2.91 inches of rain per hour;

- Whether improving the drain is justified compared with simply clearing it;

- How much the developer is contributing to the cost and whether it is equal to the expected benefit;

- If a regional water-retention basin might be a better alternative than enclosing the drain.

Joseph Kozma, drain commission chief engineer, has not seen the letter, but offered some answers.

He said county standards require that the drain be capable of handling a 10-year storm flow.

The drain was built in 1945 so the land could be farmed, but now has filled with silt and no longer is functioning adequately. It is creating wetlands, he said.

If the drain is simply dredged and widened to county standards, which require a more gradual

slope into the drain, property alongside it would have to be acquired and many trees cut down, Kozma said.

Costs were estimated at \$875,000, he said, with the city paying \$716,000 and Garrett paying \$159,000, based on his percentage of frontage along the drain.

Kozma and Richard Graham, chairman of Professional Engineering Associates, confirmed that the engineering firm is working under contract for both the county drain commission and the developer who will benefit from the drain project.

But both men said the apparent conflict of interest has not affected the drain improvement proposal. They said the project was engineered at the request of city officials to meet county standards.

Kozma said he resents any insinuations about the project, saying the county hires many engineering firms as consultants that may also represent developers or land owners affected by drain projects. County oversight ensures that projects are designed to specifications no matter what firm is involved.

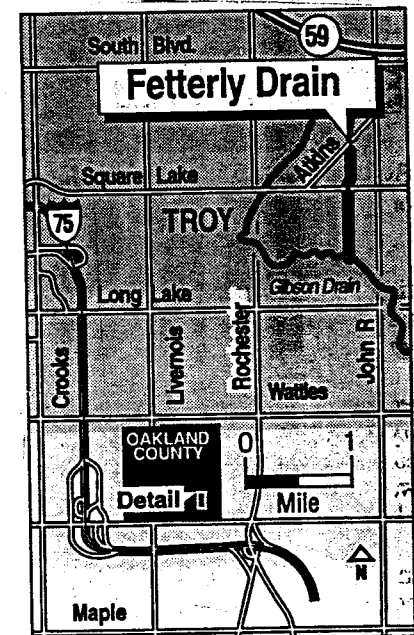
Ullman doesn't buy it.

"I see a real serious conflict of interest," he said.

A portion of the Fetterly Drain in Troy, south of Square Lake Road. The Oakland Press/AMY E. POWERS



Developer's plan to improve Fetterly Drain raises questions



**Oak Forest & Oak Forest South Time Line**  
**Tentative Preliminary Plat Application**

- 12-17-1999 Wattles Square, Inc. submitted Tentative Preliminary Plat Applications for Oak Forest and Oak Forest South Subdivisions.
- 01-05-2000 City Staff requested revisions to plats & permission for inspection of wetland on sites.
- 01-10-2000 City Subdivision Control Ordinance revised to have City staff confirm natural features information in report form prior to submitting Preliminary Plat to the Planning Commission.
- 01-10-2000 Planning Department received Preliminary Wetland Evaluations by City consultant, however, consultant did not enter property.
- 01-11-2000 Planning Commission **tabled** plats to March 14 meeting **at request of Petitioner** to enable completion of environmental review and City requested revisions to plats.
- 03-14-2000 Planning Commission **tabled** plats to April 11 meeting **at request of Petitioner**.
- 04-05-2000 **Petitioner requested tabling** of the plats to May 9 meeting.
- 04-11-2000 Planning Commission **tabled** the plats "Until receipt of complete plat submission".
- 02-07-2001 City received revised plats for Oak Forest and Oak Forest South.
- 03-02-2001 City requested additional information including Wetland Report/Evaluation to complete applications.
- 04-24-2001 City received application for Oak Forest Subdivision (Revised) only. MDEQ Wetland Assessment & written permission to enter property submitted by applicant.
- 06-04-2001 City requested revised plat for June 12 Planning Commission meeting.
- 06-07-2001 City received revised plat.
- 06-12-2001 City received updated Wetland Evaluation and Map by City consultant, after on-site inspection.
- 06-12-2001 Planning Commission recommended approval of Tentative Preliminary Plat of Oak Forest Subdivision (Revised).
- 07-09-2001 City Council postponed Tentative Preliminary Plat for Oak Forest Subdivision (Revised) to July 23 meeting.
- 07-23-2001 City Council granted Tentative Preliminary Plat for Oak Forest Subdivision (Revised), subject to the City requesting a MDEQ Wetlands Permit public hearing before continuation of the Final Plan Approval Process.

## **PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL**

### **Tentative Preliminary Plat Approval**

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

### **Final Preliminary Plat Approval**

The following items are included in the **Preliminary Plat- Final Approval** process:

- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

### **Final Plat Approval**

**Final Approval** checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.

July 12, 2001

TO: Gary A. Shripka, Assistant City Manager/Services  
Mark Miller, Acting Planning Director  
Steven J. Vandette, City Engineer  
Tracy Slintak, Environmental Specialist  
William Need, Director of Public Works Operation  
Dana Calhoun, Civil Engineer

FROM: John Szerlag, City Manager

SUBJECT: Hydrology of Oak Forest Subdivision, West Side of  
John R Road, South of Square Lake Road

As you know, Mayor and Council tabled action on the above-referenced plat until July 23, 2001. This is because new evidence came to light at the Council meeting relative to delineation of wetlands. This is not to be confused with any proposed wetland/natural features protection ordinance. Put simply, our primary concern is to assure that existing and future residents don't experience flooding problems during rain events as a result of this development. Regardless of any ordinance that may be enacted, our concern is hydrology, and that falls within the purview of our existing ordinances and development standards.

In order to assist Mayor and Council in their decision-making process, at a minimum the following issues need to be addressed:

- 1) Can this plat be improved without making improvements to the Fetterly Drain? I believe the answer is "no", but verify this. In addition, research the records to determine why City Council pulled out of this project. Again, I believe it's because the master storm water update identified the Fetterly Drain as a *Priority Two*, and there are still millions of dollars worth of work in *Priority One* projects.
- 2) Can a wetland area be mitigated to another wetland area, and does the response bifurcate if any of the areas in question are regulated by MDEQ?
- 3) If detention is slated to be in a wetland area, what is the functionality of that detention during a significant rain event? Do our development standards allow detention to occur in a wetland area? Who would be responsible for detention pond maintenance?
- 4) Will construction of rear yard drains be allowed through wetlands?

- 5) Did lack of maintenance by these County-owned drains create wetlands on Mr. Garrett's property?

Please advise in your response if any other hydrology issues need to be addressed before we can assure that development on this site will not cause flooding problems for future Oak Forest Subdivision residents as well as our existing residents adjacent to the site, given a ten-year rain event. Because of the complexity of this issue, I think it would be in order to obtain outside advice from our consulting engineering firm that developed our revised master storm water report; namely, Hubbell, Roth and Clark.

The above issues will constitute the first part of our report. The second part will deal with the City of Troy's obligations relative to the criteria used in the approval process for tentative preliminary plats. My primary concern is if tentative approval can be withheld pending verification of hydrology issues or if such verification is applicable at the final plat submittal level. You'll want to get with Lori Bluhm on this.

The third component of this report will empirically address Mr. Garrett's concerns that Mayor and Council, as well as City staff, intentionally delayed the plat approval process. You'll need to contact Mr. Garrett directly.

I'm sending a copy of this memo to Mayor and Council so that they may contact me to request any additional information. Obviously, you will not be able to respond to all of these issues by next Council meeting, but I expect to have an update for the Agenda packet. Of course, please feel free to include anything else you think is germane to this issue, and call should you have any questions.

JS/mr\2001\To Staff RE Oak Forest

c: The Honorable Mayor and City Council  
Lori Bluhm, Acting City Attorney

## **Proposed Oak Forest Subdivision Development- West of John R and South of Square Lake**

This report is in response to concerns that the City Council and Administration had regarding the proposed Oak Forest Subdivision development. The majority of these issues will need to be addressed by the developer prior to obtaining Final Preliminary Plat Approval.

### **Fetterly Drain**

The first issue involves improvements to the Fetterly Drain and the effects that this proposed development would have on the drain. The Fetterly Drain was constructed in 1945; in 1988 an inspection performed by Hubbell, Roth, and Clark (HRC) showed it to be in need of repair. In 1994 the City requested that the Drain Commission institute the process for these repairs. Subsequent engineering studies found that the size of the open drain required for these improvements could not be accomplished in the existing easement; therefore an enclosed drain with an open drain above would be required. At that time, the estimated cost of these improvements was \$875,000. Approval for the funding of this drain improvement was considered and tabled by the City Council during May of 1998. In July, 1998 City Council determined that they would not undertake any enclosure or cleanout project at that time and further, that the impending HRC Master Storm Drainage Plan Update would prioritize storm drain projects on a City-wide basis. There has been no further action to date regarding the Fetterly Drain.

As stated in the Master Storm Drainage Plan Update, prepared by HRC in 1999, the Fetterly Drain is listed with a Priority 2 Ranking. This means that while the drain currently is not able to handle a 10 year storm event, making improvements to this drain is not ranked as one the highest priority projects. However, improvements to the drain will be necessary for development of this site to occur. These improvements are in addition to providing required detention of the 10 year storm. If drain improvements are to occur, City Staff, the Oakland County Drain Commission, and the developer will need to work closely in order for this project to succeed.

### **Wetland Mitigation**

Are wetlands able to be mitigated to another wetland area? The Michigan Department of Environmental Quality (MDEQ) views wetland mitigation as a last resort. Only if upland areas cannot reasonably be used will they allow wetlands to be filled and mitigated (per Dave Wickens, MDEQ, Livonia office). Regulated wetlands receive higher priority for preservation than unregulated wetlands, and it is highly unlikely that an existing unregulated wetland would be accepted as mitigation for a regulated wetland that was filled. The MDEQ prefers large areas of mitigation as opposed to smaller, widely dispersed areas, and wants these areas to

be outside of individual lots. They also prefer to see mitigation areas created adjacent to existing regulated wetlands.

### **Detention in Wetlands**

The third issue concerns detention in a wetland area. The City's development standards require public detention basins to be dry basins in order to be accepted and maintained by the City of Troy. If the detention basin is located in the wetland and remains "wet", it will require private maintenance. A detention basin built in or adjacent to a wetland will create disturbance to the wetland, which will require additional mitigation if the wetland is regulated by the Michigan Department of Environmental Quality. In addition, the function and storage capacity of any wetland is limited. The developer's engineer will need to demonstrate to City staff that all contributing drainage areas have been accounted for if detention is proposed in the existing wetlands. MDEQ approval for such use of a wetland area will also be required. It is unclear whether or not the proposed detention area for Oak Forest is in a wetland, as the developer has prohibited City staff from accessing areas outside of the proposed plat.

Detention basins are prohibited from being located within the 10 (ten) year floodplain. If a basin is to be located in the 100 year floodplain, the developer's engineer will be required to provide information proving that it will have no adverse effect upstream or downstream of the proposed development.

### **Wetlands and Rear Yard Drains**

Another issue concerns rear yard drains through wetlands. The City believes that yard drainage can be better addressed with side yard drains in areas with wetlands located in the rear yards. The concern is that the rear yard drains could drain the existing wetlands, thereby eliminating them. The developer should provide a study of the immediate drainage area to ensure the wetland is receiving the proper amount of water in order to maintain the area.

### **Wetland Creation/ Drain Maintenance**

It stands to reason that the area surrounding the Fetterly Drain, previous to its construction, had some degree of wetness associated with it. Lack of development in the area serviced by the Fetterly Drain most likely placed it lower on the Oakland County Drain Commission's list of priorities for maintenance, and the area may be reverting to its natural state. Regardless of how wetlands are formed, the MDEQ will regulate those it considers to fall under its jurisdiction. These include wetlands that form from man-made activities. Dr. Jaworski, the Wetlands Consultant for the City of Troy, may be able to better address this issue if he is allowed full access to the entire site.

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John Lamerato, Asst. City Manager/Finance  
Cindy Stewart, Community Affairs Director

SUBJECT: Sister City Program

DATE: December 11, 2001

We have looked into establishing a Sister City relationship for the City of Troy with a City in another country. Our recommendation is to initially have staff from the Community Affairs Department and City Manager's Office coordinate this project. This core team will research the opportunities and make recommendations to City Council what options are available and our City's goals.

Membership fees for Sister Cities International (SCI), the international organization to assist cities, counties, territories and international communities organize and establish meaningful and lasting global connections, can be included in the 2002-03 budget. Annual SCI membership fees for Troy (based on population) would be \$525 for 2002 and increase to \$575 for 2003. Only dues-paying members in good standing with Sister Cities International will have their sister city partnerships formally recognized by SCI. Based on the attached membership benefits, we are not sure how this association with SCI would specifically benefit Troy.

We should look at how a Sister City relationship would benefit Troy and our residents. What would this program accomplish and where would the expenses be budgeted? It would be possible to set up a Sister City relationship separate from the SCI. We would have to look at the pros and cons of both.

To maintain excellent, two-way communication and to keep the program active, it is important that cities meet at least every other year to develop a Plan of Understanding about what they plan for their partnership, including frank discussions about areas of interest, realities of budgets and other important details in carrying out proposed exchanges or projects.

There are a variety of low-cost exchanges that should occur every year, even if it is not possible to have a physical exchange of people: an annual "state of the city" letter between the two mayors; exchange of the city annual reports and city plans by officials at city hall; exchanges of student artwork or letters; and periodic exchanges of interesting newspaper articles about our community.

#### Suggested Resolution

Resolution #2001-

Moved by

Seconded by





December 13, 2001

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: JOHN SZERLAG, CITY MANAGER  
JOHN LAMERATO, ASSISTANT CITY MANAGER  
LORI GRIGG BLUHM, CITY ATTORNEY

RE: PROPOSED BALLOT LANGUAGE – WETLANDS

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Pursuant to the November 19, 2001 City Council resolution, the Charter Revision Committee was asked to review a proposed ballot question concerning an \$18,000,000 bond issuance, for the purpose of acquiring, preserving or improving natural features.

Several variations of the proposed ballot question were proposed in a memo directed to Council and also the Charter Revision Committee. (See attached) After discussion, the Charter Revision Committee recommended the following proposed ballot question for your consideration:

**Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring property with natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats?**

In order for the item to appear on the April ballot, the proposed ballot language should be approved by City Council on or before January 7, 2001 (3/5 vote required).

The memo concerning future millage information is also included for your consideration. In addition, it may also help to know that the ballot proposal would result in an increase to the average home (\$95,798 t/v) of \$48 per year.



11/27/01

**TO:** MAYOR AND MEMBERS OF TROY CITY COUNCIL  
CHARTER REVISION COMMITTEE

**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY *LGB*

**RE:** BALLOT LANGUAGE FOR BOND ISSUANCE (Natural Features)

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After discussing this matter, the following ballot language proposals are offered for consideration at the Charter Revision Committee for recommendation to the Troy City Council:

The initially proposed ballot language is as follows:

A. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring, preserving or improving natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats that provide numerous environmental protection and resource management benefits for the City of Troy?***

Alternate ballot language is:

B. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring, preserving or improving natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats?*** (statement regarding numerous environmental protection and resource management benefits is eliminated)

Alternate ballot language is as follows;

C. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring property with natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats? ("preserving or improving" is eliminated; property is added)***

Alternate ballot language is as follows:

D. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring, preserving or improving natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats in order to provide for additional open space and storm water retention benefits in the City? (purpose of additional open space and additional storm water retention benefits included)***

Alternate ballot language is as follows:

E. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats in order to provide for additional open space and storm water retention benefits in the City? ("preserving or improving" deleted)***

I have attempted to incorporate all suggestions made at the Charter Revision Committee. These proposals can be used as a starting point, and can be modified as needed.

If you have any questions concerning the above, please let me know.



11/27/01

**TO:** MAYOR AND MEMBERS OF TROY CITY COUNCIL  
CHARTER REVISION COMMITTEE

**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY *LGB*

**RE:** BALLOT LANGUAGE FOR BOND ISSUANCE (Natural Features)

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Alternate ballot language is:

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I have attempted to incorporate all suggestions made at the Charter Revision Committee. These proposals can be used as a starting point, and can be modified as needed.

If you have any questions concerning the above, please let me know.

November 28, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration  
Laura A. Fitzpatrick, Assistant to the City Manager

SUBJECT: Future Millage Information

Per Councilman Lambert's request, attached is information on area proposed millage increases. Nancy Aguinaga, City Treasurer, collected the information.

I made one call to SMART and spoke with Doreen Tyrell, Director of Administrative Services. She pointed out that the Board will likely make a decision on its millage in the "not-so-distant" future. The decision lies with the board, however, she anticipates that the millage will be at least as much as the current 0.33.

We have been unable to confirm that there will be an "Arts" tax in the upcoming year.

<b>TAXING AUTHORITY</b>	<b>PROPOSED 2002 MILLAGE INCREASE?</b>	<b>RENEWALS</b>	<b>EXPIRES</b>
AVONDALE SCHOOL DISTRICT	MAYBE BLDG MTNCE 1 MILL OR LESS LOOKING AT OPTIONS	DEBT DEBT OPER DEBT	2014 2011 2007 2022
BIRMINGHAM SCHOOL DISTRICT	NO	OPER OPER DEBT	2006 2002 2025
BLOOMFIELD SCHOOL DISTRICT	NO	OPER	2005
LAMPHERE SCHOOL DISTRICT	NO	OPER DEBT	2002 2012
ROYAL OAK SCHOOL DISTRICT	MAYBE	OPER	2005
TROY SCHOOL DISTRICT	NO	OPER DEBT DEBT DEBT	2005 2004 2010 2013
WARREN SCHOOL DISTRICT	NO	OPER DEBT	2007 2026
<b>COUNTY</b> SMART OPERATING P&R HURON-CLINTON	TBD @ likely at least as much as current 0.33 TBD TBD TBD		2001 2001 2001 NONE
ISD*-OAKLAND ISD-MACOMB COLLEGE  STATE	NA - went to a vote in 9/01 YES NO  Talk of letting schools ask for more operating millage		   2012

\*ISD - Intermediate School District

November 28, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Lori Bluhm, City Attorney  
William Need, Public Works Director  
Steven Vandette, City Engineer

SUBJECT: **Voluntary Stormwater Permit Certificate of Coverage and Resolution  
in Support of Troy's Stormwater Pollution Prevention Initiative**

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Staff is pleased to report that the City has received a Certificate of Coverage under the National Pollution Discharge Elimination System (NPDES) Voluntary Stormwater Permit. In accordance with Council's direction, resolution #2000-39, regular City Council meeting of January 17, 2000, the City applied to the Michigan Department of Environmental Quality (MDEQ) for coverage under this permit.

Many tasks that are required by this permit have already been accomplished, including creating a Subwatershed Management Plan. The City of Troy actively participated alongside other Rouge River Watershed communities in our area to create this document. The final component of the permit is the Stormwater Pollution Prevention Initiative (SWPPI), outlining specific actions that Troy will take to improve water quality and help achieve the goals set forth in the Subwatershed Management Plan. A draft copy of this document is attached. You will note that the projected costs for the actions in the SWPPI are shown, even though many of these actions are currently being performed by existing City forces. Staff feels it is important for the MDEQ to understand the level of commitment that is required for stormwater management.

A resolution in support of Troy's SWPPI has also been included, to indicate Troy's commitment to protecting the public health and improving water quality within our borders. To that end, staff has been working to educate the public on how their daily actions affect our waterways—another component of the voluntary permit. Also, we are working with the Oakland County Drain Commission to finalize the contract for inspections of all of the drains in the City. These illicit connection/discharge inspections are to look for improper connections to the stormwater system, and are another key part of the permit.

As stormwater issues become more prevalent nationwide, it is important to know that the City of Troy is an active participant in Michigan's innovative and proactive voluntary general stormwater permit program. The progress we are making today will be mirrored throughout the country in the coming years, as the NPDES Phase II stormwater regulations are implemented. By the 2003 Phase II permit application deadline, the City will be well ahead of other states and municipalities that are not currently participating in a Voluntary Permit type of program.





**Storm Water Pollution Prevention Initiative**

**Michigan General Permit Number MIG61000**

**Certificate of Coverage Number MIG610053**

**Municipality/Agency: City of Troy**

**Address: 500 West Big Beaver, Troy MI 48084**

**Contact Person: Gary Shripka Telephone: 248-524-3329**

**Title: Assistant City Manager-Services Date: \_\_\_\_\_**

**Signature of Permittee Representative: \_\_\_\_\_**

**1. Purpose**

The purpose of this Storm Water Pollution Prevention Initiative (SWPPI) is to bring together the goals and actions from the Watershed Management Plan (WMP), Illicit Discharge Elimination Plan (IDEP), and the Public Education Plan (PEP) into a single document containing the City of Troy's commitments necessary to reduce the discharge of pollutants to the maximum extent practicable. As revisions are made to these plans, our SWPPI will reflect those changes. The SWPPI includes a list of actions that are expected to be implemented during, and in some cases beyond, the term of the permit.

Table 1 lists the WMP Goals associated with the Main 1-2 subwatershed and the reasons why a specific goal, if any, does not apply to the City of Troy. Table 2 outlines the specific activities that the City of Troy has undertaken, or will undertake, with respect to each of the applicable goals and/or actions.

**2. Annual Report to Assess Progress**

In order to assess our progress, the City of Troy will document the following on an annual basis:

- Changes to goals and/or actions in the WMP prior to the required permit date for biannual review and revision
- Progress with respect to specific goals and/or actions
- Actions taken to eliminate illicit discharges.
- Schedule for elimination of illicit connections identified but not eliminated.
- Documentation of the public education effort and an evaluation of its effectiveness.
- Any additional actions taken to reduce the discharge of pollutants in storm water.
- Progress on approved activities under IDEP and PEP.
- Modifications to approved IDEP and PEP, if applicable.

### **3. Subwatershed Plan and SWPPI Revisions**

The SWPPI will be reviewed and revised as necessary every two years. Revisions to date-specific commitments listed in Table 2 can be made with approval of MDEQ. The WMP and the SWPPI can be revised at the same time, but will be due on the revision date for the WMP.

### **4. Retention of records**

The City of Troy will retain the approved Storm Water Pollution Prevention Initiative and its associated records in-house for a minimum of three years after the termination of the permit. The records will be available upon request by MDEQ and shall include, but not be limited to:

- Information regarding the effectiveness of these activities;
- Records of analyses performed;
- Calibration and maintenance of instrumentation, if used;
- Recordings from continuous monitoring instrumentation.

### **5. SWPPI goals and priorities of the City of Troy**

- The City of Troy supports the Main 1-2 Subwatershed Management Plan;
- The City of Troy was an active participant in the development of the Main 1-2 Subwatershed Management Plan.
- Approximately 20% of the City lies within the Main 1-2 subwatershed of the Rouge River Watershed, with the remaining 80% of the City lying within the drainage area of the Clinton River Watershed. There is a small portion of the City that is served by combined sewers, including approximately 1530 acres of Sections 30 & 35 (7% of the City's total land area). Approximately 93% is served by separate storm sewers that discharge to the Rouge and Clinton River.
- The City is approximately 95% developed. However, there are opportunities to implement BMPs to reduce stormwater impacts on the new developments within the City of Troy.
- There are approximately 450-600 properties with On-site Sewage Disposal Systems in the City. The City is working to adopt an OSDS ordinance, which would require periodic inspections of septic systems. The City of Troy is committed to providing public education materials about septic system maintenance information to the property owners.
- The City of Troy is committed to protecting and enhancing the water quality and resources of the Rouge River.
- The City of Troy supports all of the long-term goals established for the Main 1-2 Subwatershed. The highest priority goals, and specific tasks for the City are outlined below:

#### **1 – Remove Sources of Pollution that Threaten Public Health**

- **Continue work in Evergreen/Farmington (T6 & T17)**
- **On-site Sewage Disposal System Ordinance**
- **Illicit Discharge Elimination Plan**

#### **2 – Restore/Maintain Aesthetically Appealing Conditions**

- **Review and update the City's existing ordinances as needed**
- 3 – Improve and Maintain River Ecosystem for Fish and Wildlife
    - **Continued work on IDEP (T14)**
  - 4 – Minimize the Amount of Soil Erosion and Sedimentation
    - **The City's Soil Erosion Sedimentation Control Program**
    - **Streambank Stabilization Program (T1 & T26)**
  - 5 – Minimize Flow Variability
    - **Detention Basin Inventory, Maintenance and Retrofit**
  - 6 – Maximize Community Assets related to the River
    - **Lloyd Stage Outdoor Education Center (T18)**
  - 7 - Preserve and Enhance the Quality of the Great Lakes
    - **ALL**

## **6. Storm Water Pollution Prevention Development**

This SWPPI has been designed and will be implemented to reduce the discharge of pollutants to the maximum extent practicable and is consistent with the Main 1-2 Subwatershed Management Plan(s) developed under Part I.B.1 of the General Permit, and includes those actions expected to be implemented over the term of this permit. This SWPPI will be implemented upon approval of the District Supervisor, and includes:

1. Actions required of the City of Troy in the Main 1/2 Subwatershed Management Plan(s) as described in Table 2;
2. Evaluation and implementation of pollution prevention and good housekeeping activities, as appropriate, having considered the following practices:
  - a. Maintenance activities, maintenance schedules, and inspection procedures for storm water structural controls to reduce pollutants (including floatables) in discharges from our permitted separate storm water drainage system;
  - b. Controls for reducing or eliminating the discharges of pollutants from streets, roads, highways and parking lots;
  - c. Procedures for the proper disposal of operation and maintenance waste from the permitted separate storm water drainage system (dredge spoil, accumulated sediments, floatables, and other debris);
  - d. Ways to ensure that new flood management projects assess the impacts on the water quality of the receiving waters and, whenever possible, examine existing projects for incorporation of additional water quality protection devices or practices; and
  - e. Implementation of controls to reduce the discharge of pollutants related to pesticide, herbicide, and fertilizer application in our permitted jurisdiction.
3. Evaluation and implementation of site appropriate, cost-effective structural and nonstructural best management practices (BMPs) to minimize the water quality impacts from areas of new development and significant redevelopment, with the understanding that

the goal is to protect the designated uses in the receiving waters from the effects commonly associated with urbanization.

4. The methods of assessing subwatershed progress in storm water pollution prevention, as summarized for each of the Subwatershed Management Plan(s) Goals in Table 1.

In developing this SWPPI, the City of Troy reviewed and re-evaluated its PEP and IDEP, which were submitted as part of the permit application. The PEP and IDEP actions listed in this SWPPI are somewhat different than those listed in the original permit application. However, the City believes that the PEP and IDEP actions identified in the SWPPI are adequate to meet the SWMP goals and permit requirements. With regard to the IDEP actions, after the City submitted its permit application, the Oakland County Drain Commissioner offered to provide IDEP services to the communities, and the Main 1-2 Subwatershed allocated grant money toward the IDEP activities. The City of Troy, along with the other Main 1-2 communities, chose to have OCDC conduct an IDEP inventory and a first round of IDEP inspections. This work is scheduled to be completed by Spring 2002. The City believes that the IDEP activities identified in the SWPPI represent an adequate future/ongoing program. With regard to the PEP, the City has eliminated some activities that it has found to be ineffective or not practical, and added other activities.



**Table 1: Goal-Specific Long Term Assessment of Progress in the Main 1-2 Rouge Subwatershed**

#	WMP Goals	Methods for Evaluating Progress in River	Targets for Evaluation in the Subwatershed	Responsible Party for Evaluating Progress
1	Remove Sources of Pollution that Threaten Public Health	A. Dry weather water quality monitoring for <i>E. coli</i> and DO at RPO sites: M01, M03, M05, G45, G46, G47, G58, G59, & US5. B. Wet weather water quality monitoring for bacteria and DO at selected RPO sites.	A. & B. Achieve partial body contact standard for <i>E. coli</i> at all locations in dry weather by 2015.	A. RPO B. RPO
2	Restore/Maintain Aesthetically Appealing Conditions	A. Aesthetics Survey B. Dry and wet weather water quality monitoring for Total Phosphorus (TP) at RPO sites: M03, G45, & US5.	A. A minimum of 85% of Rouge River Aesthetic Indicator (RRAI) scores that rank good or excellent at all locations surveyed or improvement of scores when compared to 1996 surveys by 2015. B. Annual average TP values at or below 0.05 mg/l by 2015.	A. RPO/OCDC B. RPO
3	Improve and Maintain River Ecosystem for Fish and Wildlife	A. Biological monitoring (fish) at various sites. B. Macroinvertebrate monitoring at various sites	A. Improve score for fish to “Good – Excellent” at all sites by 2015. B. Minimum score for macros in the MDEQ/GLEAS survey of “Fair”	A. MDEQ/GLEAS B. MDEQ/GLEAS
4	Minimize the Amount of Soil Erosion and Sedimentation	A. Monitor instream Total Suspended Solids (TSS) concentrations at two RPO locations in both dry and wet weather. B. Habitat assessment, bottom deposition and embeddedness measures	A. Achieve TSS concentrations of 80 mg/L in dry weather conditions at both monitoring stations by 2010. B. Show decreasing trends of sedimentation by 2010, using GLEAS embeddedness data.	A. RPO B. MDEQ/GLEAS
5	Minimize Flow Variability and Associated Negative Impacts	A. Monitor stream flows at USGS stream gauges US4, US5, & US6 B. RPO/OCDC rainfall monitoring at R15-R23 & R30-R33	A. & B. Meet Wiley/Seelbach numbers by 2015 (knock down peak flows and increase baseflows)	A. RPO B. RPO/OCDC

6	Maximize Community Assets Related to the River	A. Workshop/meeting attendance B. Telephone or mail survey of watershed residents. C. Study amount of public land	A. Increase in meeting attendance B. Improve the public perception of the river when compared to previous surveys by 2010. C. Increase in acreage of public land	A. Communities B. OCDC C. Oakland County
7	Preserve and Enhance the Quality of the Great Lakes	A. Track the types and amount of PE materials distributed and the number of households reached. B. Report on the number of schools involved in Rouge Education Project (REP). C. Telephone or mail survey of watershed residents.	A. 100% of households reached with various PE messages by 2006. B. Increase the number of schools participating in the REP-type programs by 2010. C. Improve the public perception of the river when compared to previous surveys by 2010.	A. Communities/OCDC B. FOTR/Oakland County C. Oakland County/City of Troy

It is recognized by the permittee and the MDEQ that the subwatershed targets and schedules in Table 1 are intended to track effectiveness and progress of the SWPPI actions, and progress towards the subwatershed goals. The targets and schedules are not enforceable compliance items required by the permit, and the permittee will not be found in noncompliance with the permit if they are not achieved. The permittee's actions and schedules in Table 2 are enforceable. If, during SWPPI revisions, it is determined that progress towards achieving the subwatershed targets is not being made, the permittee and the MDEQ will negotiate additional and/or alternative actions, schedules, or targets.



**Table 2: Storm Water Pollution Prevention Initiative for the City of Troy**

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
<b>REDUCE PEAK FLOWS</b>							
Reduce directly connected impervious surfaces	<b>Downspout ordinance (T12)</b>	5	6.2.a	The City currently has an ordinance, which requires downspouts to not be directly connected to storm or sanitary sewer. The City also performs inspections of areas with known downspout connections to ensure compliance with the ordinance.	Ongoing	<ul style="list-style-type: none"> <li>Inspection records</li> <li>Map of all connected and unconnected downspouts</li> <li>Educational materials</li> </ul>	\$10,000
	<b>Rain Barrel Pilot Project</b>	5	6.3	The City will investigate the implementation of a Rain Barrel Pilot Project including public education materials and advertising the use of rain barrels.	Spring 2002	<ul style="list-style-type: none"> <li># of news letters sent</li> <li>Published article</li> <li># of Rain Barrels sold</li> </ul>	\$25,000
Slow storm water runoff draining to river	<b>Downspout ordinance (T12)</b>	5		See description above			
	<b>Review the City's existing design standards and ordinances</b>	1,2,4, 5,7	6.2.a 6.3	The City will review and evaluate existing design standards and ordinances pertaining to stormwater or related issues. The need for updated ordinances, or new ordinances will be evaluated.	Spring 2002	<ul style="list-style-type: none"> <li>Review report</li> </ul>	Staff Time
	<b>Detention Basin Inventory and Modifications (T13)</b>	2,4,5, 6		<p>Short Term- Inventory existing detention basins and identify and prioritize maintenance items and retrofit opportunities.</p> <p>Long Term-Investigate feasibility of implementing retrofit opportunities and maintenance requirements.</p>	<p>Spring 2002</p> <p>Spring 2003</p>	<ul style="list-style-type: none"> <li>Review inspection records and reports</li> <li>Number of basins improved</li> </ul>	\$ 5000- \$10,000 evaluation and report \$100,000 annually for improvements
Construct/ maintain wet detention ponds	<b>Maintain pond at Firefighter's Park</b>	2,5,6, 7	6.2.b 6.2.d 6.3	The City is responsible for the maintenance of the existing pond that was created as a partnership with neighboring developers.	Ongoing.	<ul style="list-style-type: none"> <li></li> </ul>	To Be Determined

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
<b>REDUCE SEDIMENT LOADS</b>							
Control Soil Erosion	<b>Revise and Update Soil Erosion Program</b>	4,7	6.2.d 6.3	The City will continue to implement the existing Soil Erosion Inspection Program. The City will be updating and revising the existing ordinances and development standards relating to the Soil Erosion Program.	Ongoing	<ul style="list-style-type: none"> <li>Number of inspections</li> <li>Number of failed sites</li> <li>List of actions taken</li> <li>Number of permits issued</li> </ul>	1 ½ staff members
	<b>Streambank Stabilization Program (T1&amp; T26)</b>	2,3,4, 5,7	6.3	The City will be working with the OCDC to generate a study addressing areas of streambank that need to be prioritized for stabilization projects.	Study to be complete by Fall 2002	<ul style="list-style-type: none"> <li>Completed study</li> </ul>	\$5,000-\$10,000
				Once Streambank Stabilization study is complete, the City will review the recommendations for prioritization of stabilization projects.	Fall 2002	<ul style="list-style-type: none"> <li>Review results (summary)</li> </ul>	Minimal
				The City will approve an implementation schedule from the recommendations in the completed study	Fall/Winter 2002	<ul style="list-style-type: none"> <li>Schedule</li> </ul>	Minimal
Perform sewer system cleaning	<b>Sanitary Sewer manhole inspection and cleaning</b>	1,7	6.2.a	The City is responsible for the operation and maintenance of the sanitary sewer system including inspections and repairs of manholes.	Ongoing	<ul style="list-style-type: none"> <li>Summary of inspections</li> </ul>	\$1.17 million/year including repair costs
	<b>Storm drain system cleaning</b>	4,7	6.2.a 6.2.b 6.2.c	The City currently performs jetting and root cutting on the existing storm drain system.	Ongoing	<ul style="list-style-type: none"> <li>Inspection records</li> <li>Cleaning records</li> </ul>	\$285,000/year
				The City will update and revise its inspection and maintenance program as needed.	As needed		
	<b>Street Sweeping (T9)</b>	4,7		The City currently has 2 street sweepers that operate 40 hours a week from early April to mid-November . Major streets are swept approximately 8 times and minor streets are swept approximately 4-5 times during the season.	Ongoing	<ul style="list-style-type: none"> <li></li> </ul>	\$190,000/year
	<b>GIS Utility mapping and modeling (T3)</b>	6		The City is currently working on developing and updating GIS data coverage for all utilities including sanitary sewer, storm, water, open drainage courses, floodplains, natural features for aiding in implementing the daily operations of the departments within the City.	Ongoing	<ul style="list-style-type: none"> <li># of layers completed</li> </ul>	Staff time
Perform catch basin cleaning	<b>Clean &amp; repair catch basins</b>	4,7	6.2.a 6.2.b 6.2.c	The City currently has a program to jet and clean existing catch basins on a rotating basis every 4 years. Approximately 2400 catch basins are inspected and cleaned every year.	Ongoing	<ul style="list-style-type: none"> <li>Inspection records</li> <li>Cleaning records</li> </ul>	Part of the Storm Drain System Cleaning budget
Construct/main tain detention and/or retention ponds	<b>Detention Basin Inventory (T13)</b>	2,4,5, 6	6.2.a 6.3	See details for Detention Basin Inventory from above			



<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
Utilize streambank stabilization measures	<b>Streambank stabilization Program (T1 &amp; T26)</b>	2,3,4, 5,7		See description above			
Prevent and remove stream obstructions	<b>Log jam &amp; Debris removal</b>	2,6,7	6.2.a	The City will continue its DPW assistance program to residents with complaints of logjams and debris in the River, streams and ditches.	Ongoing	• # of log jams removed	\$79,000
	<b>Dredge Northfield Hills Pond (T24)</b>	2,4,6		Provide some assistance to the Northfield Hills Condominium Association to dredge the detention pond.	Negotiations are ongoing	• Amount of sediment removed	TBD
Utilize soil stabilization measures for construction activities	<b>Streambank Stabilization Projects (T1 &amp; T26)</b>	2,3,4, 5,7		See description above		•	
	<b>Authorized Public Agency (APA)</b>	4		The City will work on obtaining the Authorized Public Agency status for the Soil Erosion Sedimentation Control Program. Work will include developing procedures and protocols.	Spring 2003	•	Staff time
Install sediment trapping devices	<b>Catch Basin Inserts</b>	1,4		The City will investigate the feasibility of installing catch basin inserts on City owned parking lots per approval by City Council and City Administration.	Spring 2003	• Report • Amount of inserts installed	\$30,000 per year
<b>REDUCE SEWAGE ENTERING THE RIVER</b>							
Identify and control untreated CSOs	<b>Not applicable</b>	1,2,3, 7		Continue to participate in the cost share of the Twelve Towns RTF and the George W. Kuhn Drain.	na	• na	\$3.2 million
Identify and control SSOs	<b>Participate in Evergreen/Farmington (T17)</b>	1,2,3, 7	6.2.a 6.4	Continue to participate in the Evergreen/Farmington Sewage Disposal System (EFSDS) technical committee, currently developing regional sewer system improvements for the EFSDS.	Dependant upon the outcome of negotiations with MDEQ and EFSDS communities	• Report on status of EFSDS committee actions	Long Term Cost TBD
	<b>TV Inspection for storm and sanitary sewers (T6)</b>	1,4,7	6.2.a	As a part of the IDEP (T6), the City of Troy has a program to televise existing storm and sanitary sewers with the City owned televising equipment.	Ongoing	• Video of storm and sanitary sewers • # of linear feet videoed	\$75,000/ year
	<b>Sanitary Sewer manhole inspection</b>	1,4,7	6.2.a	See description above			

<i><b>BMP Activity</b></i>	<i><b>Action</b></i>	<i><b>WMP Goals</b></i>	<i><b>Permit Required Activities</b></i>	<i><b>Method of implementation</b></i>	<i><b>Schedule</b></i>	<i><b>Methods of measuring progress (to be documented in SWPPI annual report)</b></i>	<i><b>Cost Estimate</b></i>
Identify and eliminate illicit discharges	<b>IDEP (T14)</b> <ul style="list-style-type: none"> <li>• <i>Complaint Response and Investigation</i></li> <li>• <i>Coordination with OCDC</i></li> <li>• <i>Coordination with MDEQ</i></li> <li>• <i>Conduct dry weather inspections of storm outfalls</i></li> <li>• <i>Follow up investigations and reports</i></li> </ul>	1,2,3, 6,7	6.2.a 6.4	<p>The City is contracting with the Oakland County Drain Commissioner to conduct an inventory of storm outfalls and to perform a first round dry weather inspection. The inventory and inspections are to be completed in spring 2002.</p> <p>The City will re-inspect all storm outfalls, on a dry weather basis, in the City every 5 years. The City may elect to contract with the Oakland County Drain Commissioner's Office to complete all re-inspections. The City will conduct follow-up investigations at outfalls where dry weather inspections indicate the potential of illicit connection(s). The City will investigate complaints of illicit discharges received through the City's reporting system or referred to the City through the Oakland County Hot Line.</p> <p>Notify MDEQ and other appropriate agencies of any significant violations</p> <p>Initiate action against property owners as appropriate to ensure that illicit discharges are corrected. Property owners will be given the opportunity to comply voluntarily before formal enforcement action is taken. If property owners do not voluntarily comply within 30 days, the City will initiate formal enforcement actions.</p>	Jan 2002	<ul style="list-style-type: none"> <li>• #of staff trained</li> <li>• # of outfalls inspected</li> <li>• Data results</li> <li>• Documented procedure</li> <li>• Phone call records</li> <li>• Complaint records</li> <li>• # of investigations conducted and actions taken</li> </ul>	\$32,000 for OCDC outfall inspection work  \$10,000/year for follow-up investigations
	<b>TV Inspection for storm and sanitary sewers (T6)</b>	1,4,7		See description above			
	<b>GIS Utility mapping &amp; modelling (T3)</b>	6	6.4	The City is currently updating its utilities map coverage for GIS. The City's MDEQ Annual Report will report any updates or changes.	Ongoing	<ul style="list-style-type: none"> <li>• Summary of updates</li> </ul>	Minimal
Identify and eliminate failing OSDS	<b>OSDS Ordinance &amp; Program (T7 &amp; T8)</b>	1,7	6.2.a	The City is currently drafting an OSDS Ordinance that requires periodic inspections of existing septic systems within Troy. The City will prepare and distribute OSDS maintenance materials.	Ongoing  Inspections to start Summer 2002	<ul style="list-style-type: none"> <li>• Report on status of actions with OSDS</li> </ul>	TBD
Maintain infrastructure	<b>TV Inspection for storm and sanitary sewers (T6)</b>	1,4,7		See description above			
	<b>GIS Utility mapping &amp; modelling (T3)</b>	6		See description above			
<b>ENHANCE RECREATIONAL ACTIVITIES</b>							

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
Reduce geese populations	<b>Presentations to Homeowners Associations</b>	1,2,6		Make presentations to Homeowners Associations regarding Goose Round-up and Egg replacement programs and Detention Basin modifications	Spring 2003	# of participants # of workshops	\$1000 per workshop
REDUCE CHEMICAL POLLUTANTS							
Street Sweeping	<b>Street Sweeping (T9)</b>	4,7	6.2.a 6.2.b 6.2.c	See description above			
Reduce fertilizer runoff and phosphorus discharge	<b>Street Sweeping (T9)</b>	4,7		See description above			
	<b>Clean catch basins</b>	4,7		See description above			
	<b>Leaf mulching/ SOCRRA compost program (T10)</b>	2,7	6.2.e PEP	The City is a member of SOCRRA, therefore receives all member benefits, including yard waste pickup, composting and educational programming.  The City continues its support of Healthy Lawn and Garden programming.	Ongoing	<ul style="list-style-type: none"><li>• Membership</li><li>• Estimate of total yard waste picked up</li></ul>	Minimal
	<b>Healthy Lawn &amp; Garden Program (T16)</b>	1,2,3, 7	6.2.a 6.2.b 6.2.c	The City continues its support of the Healthy Lawn and Garden Program from SOCRRA.	Ongoing	<ul style="list-style-type: none"><li>• # of stores participating</li></ul>	Minimal
Household hazardous materials management programs	<b>HHW program/ SOCRRA (T11)</b>	2,7	6.2.e PEP	The City is a member of SOCRRA, therefore receives all member benefits, including yard waste pickup, composting, HHW drop-off and educational programming.  The City continues its support of Healthy Lawn and Garden programming.	Ongoing	<ul style="list-style-type: none"><li>• Membership</li><li>• Number of workshops held</li><li>• Number of participants at Healthy Lawn and Garden events.</li></ul>	Minimal
				The City will continue its Recycling Drop-off Center by accepting and recycling used motor oil and vehicle batteries.		<ul style="list-style-type: none"><li>• # of gallons of used motor oil collected</li></ul>	\$250/month for used motor oil Drop off charge
				The City will continue to publish one article in the newsletter each year that addresses household hazardous materials, and appropriate disposal methods.	Ongoing	<ul style="list-style-type: none"><li>• # of newsletters sent</li><li>• Published article</li></ul>	\$1,500
EDUCATE THE PUBLIC							
Educate the Public	<b>Troy Daze/ River Day (T15)</b>	1,2,3, 6,7	6.4 PEP	The City participates in the annual River Day event and passes out public education material at the annual Troy Daze Festival.	Annual	<ul style="list-style-type: none"><li>• # of volunteers present at River Day event</li></ul>	\$1,500 per event
	<b>HHW program/ SOCRRA (T11)</b>	2,7		See description above			

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
	<b>Mailings to riparian land owners</b>	2,7	PEP	The City will publish and distribute an informational packet to all Riparian owners to address riparian responsibilities and concerns.	Winter 2002	<ul style="list-style-type: none"> <li>Addresses of all riparian owners</li> <li>Completed packet</li> </ul>	\$5,000
	<b>City of Troy Web site</b>	2,7	PEP	The City will review and update the Stormwater information on their website annually. (As new information is presented or new topics are requested)	Annually	<ul style="list-style-type: none"> <li># of hits to web counter</li> <li>Summary of topics covered on website</li> </ul>	Minimal
	<b>School Presentations</b>	2,7		The City will develop and implement presentations about stormwater to local schools.		<ul style="list-style-type: none"> <li># of students</li> <li># of presentations</li> </ul>	\$1000 per presentation
	<b>Newsletter</b>	2,7	6.2.e 6.3	The City will ensure that the quarterly newsletter has at least one water-quality (river issues) concept in each edition of the newsletter	Quarterly	<ul style="list-style-type: none"> <li># of newsletters sent</li> <li>Published article</li> </ul>	Minimal
	<b>Lloyd Stage Outdoor Education Center (T22)</b>	2,3,6,7		The City supports the educational program at the Lloyd Stage Outdoor Education Center.	Ongoing	<ul style="list-style-type: none"> <li># of brochures handed out</li> </ul>	Minimal Cost to implement Pond Study Program
	<b>Support expansion of Education Project programs to local schools (T29)</b>	2,3,6,7	PEP	The City of Troy will continue to support the Main 1-2 Public Education Committee and any programming involving the Friends of the Rouge REP. Any schools within the City are strongly encouraged to participate in the REP	Ongoing	<ul style="list-style-type: none"> <li>Number of students/schools participating</li> </ul>	Minimal
Develop and implement public participation program	<b>Provide support for Main 1-2 subwatershed public education web site</b>	2,7	6.2.b PEP	Support the Main 1-2 Public Education Committee.	Ongoing	<ul style="list-style-type: none"> <li># of hits to web counter</li> <li>Summary of topics covered on website</li> </ul>	Minimal
<b>OTHER ACTIVITIES THAT DO NOT FALL UNDER BMP CATEGORIES</b>							
<b>Other Activities</b>	<b>Explore new staffing</b>	1-7	N/A	The City recognizes the importance of all of the tasks in the SWPPI. These tasks will involve a large amount of time and effort in addition to the time already spent on the City's Public Education Plan, IDEP and Subwatershed Planning. The City will analyze the current workforce situation, and evaluate the need for an additional staff member to assist in the implementation of the SWPPI.	Jan 2003	<ul style="list-style-type: none"> <li>Manhour/workload evaluation</li> </ul>	Minimal
<b>Other Activities</b>	<b>Stream crossing at Firefighter's Park</b>	4,5,7	6.2.b 6.2.d 6.3	The City will be drafting plans to replace an existing culvert that provides a streamcrossing to provide access for equipment in Firefighter's Park.	Fall 2002	<ul style="list-style-type: none"> <li>Completed culvert construction</li> <li>Photodocumentation</li> </ul>	\$50,000 construction plus engin. cost

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December 17, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Brian Stoutenburg, Library Director  
Loraine Campbell, Museum Manager

SUBJECT: Award of Contract for Phase I of Museum Physical Maintenance  
And Conservation Plan

### **RECOMMENDATION**

It is recommended that Gerald J. Yurk Associates Incorporated be hired as the architectural firm to provide a Building Assessment that addresses each of the nine structures on the Historic Village Green, and the interior and exterior repairs that are necessary for each. Gerald J. Yurk Associates was selected through an RFP process to do the Structural Assessment, Relocation Analysis, Exterior and Interior Restoration Project of the Historic Church and Parsonage. The firm is familiar with the Museum's assets, and is fully supported by the Historical Commission to provide this service. Mr. Yurk has proven to provide high quality work in a timely manner, and on budget.

### **SUMMARY**

It is prudent to provide City Council with guidelines and estimated costs for preserving the buildings and grounds of the Historic Village Green so that priorities can be set and appropriate courses of action can be selected to maintain their historic integrity and accessibility. The Building Assessment is Phase I of the development of a Comprehensive Physical Maintenance and Conservation Plan for the Museum's buildings and grounds. Subsequent phases include a Grounds Assessment; A Structure Prioritization Plan; A Grounds Prioritization Plan; a Long-Term Structure Maintenance Plan; and a Long-Term Grounds Maintenance Plan. These additional phases will be priority items in the development of the 2002 Museum budget.

### **BUDGET AND SCOPE OF WORK**

The architectural and engineering fee for Phase I, as proposed, would not exceed \$20,580. There is also an amount of \$2,058, or 10% of the contract to cover reimbursable expenses and additional work required that could not be

foreseen. Funds are available in the Museum's Administrative and Professional Services Fund, Account # 804.7801.010

The scope of work for Phase I includes:

- Initial walk-through and documentation
- Structural assessment
- Identification of repairs required on the exterior
- Identification of repairs required on the interior
- A final written report

December 7, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration  
Jeanette Bennett, Purchasing Director

SUBJECT: Bid Award – Highest Acceptable Commission Rate –  
Vending Machine Services

**RECOMMENDATION**

Bid proposals were opened on October 24, 2001, to furnish a (5) five-year contract for Vending Machine Services with five (5) one-year options to renew the contract [maximum ten (10) year contract length]. The Purchasing Department recommends that a contract be awarded to Vendtek, the highest acceptable bidder, at a commission rate of 15% for coffee, snacks, candy, bottle and can beverages; ice cream will provide a 10% rate of return. Moneychangers will be provided at a cost of \$15.00 per month. Selling prices are as follows:

Coffee	\$ .35
Bottle Beverage	\$1.15
Can Beverage	\$ .75
Snacks/Candy	\$.50 -.80
Food/Milk/Etc	\$.50 - .2.00
Ice Cream	\$ .75

**EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS**

Canteen/Compass Group of Dearborn, MI – Current Vendor

- Service problems are continuous i.e. inadequate machine stocking levels.
- The driver has to return on non-scheduled days and times to bring additional stock after inadequate stock levels are called into service.
- Out-dated food products with mold are vended to employees on occasion.
- Machines are not maintained including cleaning and changing burned out light bulbs. Due to drips and inadequate maintenance, the areas around the machines are sticky and hard to clean by the janitorial staff.
- Out of date snacks are dropped into the bottom of the machines and not removed. Ant problems have occurred during the summer around the machines.
- Inadequate communication between their service people when service problems occur has caused continual problems for City staff.
- Unsold products are not replaced with new merchandise unless requested by City staff.

Continental Services of Belleville, MI – Option 2

- Selling prices are too high on coffee and bottle beverages, up 25 percent over current prices.
- Can beverages are not available.

To: The Honorable Mayor and City Council  
Re: Bid Award – Vending Machine Services

### **SUMMARY**

The Purchasing Department has checked the references of the recommended bidder, Vendtek, and invited employees to sample the food. They have received good reviews for service and the quality of the food supplied. In an effort to better serve our customers, Vendtek is being recommended to provide our vending machine services.

### **BUDGET**

Commissions from the vending machines are used to assist in providing City employee programs (i.e. Employee Christmas Party).

47 Bids Sent  
8 Bids Rec'd  
2 Bids did not meet specifications  
1 No Bid



Opening Date -- 10-24-01  
Date Prepared -- 10-31-01

CITY OF TROY  
BID TABULATION  
VENDING MACHINE SERVICES

SBP 01-36  
Pg 1 of 8

VENDOR NAME:

\*\* Vendtek

Lucky Greens Vending

**Troy City Hall**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 5,260	Coffee	0.35	8.25 oz	15.00%	0.40	Full	10.00%
\$ 9,730	Bottle Beverage	1.15	20 oz	15.00%	1.00	Full	10.00%
\$ 1,615	Can Beverage	0.75	12 oz	15.00%	0.75	Full	10.00%
\$ 5,670	Snacks/Candy	.50 - .80	Varies	15.00%	.50 - .75	Full	10.00%
\$ 4,390	Food/Milk/Etc	.50 - 2.00	Varies	0.00%	1.00 - 2.25	Full	10.00%
N/A	Ice Cream	0.75	Varies	10.00%	Blank	Blank	Blank
N/A	Coffee: Internat'l Flavors						
	Money Changer	\$ 15.00 per month			\$ 10.00 per month		
		\$ 3,341.25			\$ 2,666.50		

**Troy Public Library**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 690	Coffee	0.35	8.25 oz	15.00%	0.40	Mid	10.00%
N/A	Bottle Beverage	1.15	20 oz	15.00%	Blank	Blank	Blank
\$ 2,140	Can Beverage	0.75	12 oz	15.00%	0.75	Mid	10.00%
\$ 1,906	Snacks/Candy	Varies	Varies	15.00%	.50 - .75	Mid	10.00%
N/A	Coffee: Internat'l Flavors						
	Money Changer	\$ 15.00 per month			\$ 10.00 per month		
		\$ 710.40			\$ 473.60		

**Troy Public Works Dept.**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 2,220	Coffee	0.35	8.25 oz	15.00%	0.40	Mid	10.00%
\$ 3,750	Bottle Beverage	1.15	20 oz	15.00%	1.00	Mid	10.00%
\$ 596	Can Beverage	0.75	12 oz	15.00%	0.75	Mid	10.00%
\$ 3,680	Snacks/Candy	Varies	Varies	15.00%	.50 - .75	Mid	10.00%
N/A	Ice Cream	Blank	Blank	Blank	Blank	Blank	10.00%
N/A	Coffee: Internat'l Flavors						
	Money Changer	\$ 15.00 per month			\$ 10.00 per month		
		\$ 1,536.90			\$ 1,024.60		

**Troy Parks & Recreation**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 460	Coffee	0.35	8.25 oz	15.00%	0.40	Full	10.00%
\$ 1,290	Bottle Beverage	1.15	20 oz	15.00%	1.00	Full	10.00%
N/A	Coffee: Internat'l Flavors						
		\$ 262.50			\$ 175.00		

**Troy Police/Fire Training Center**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
N/A	Bottle Beverage	1.15	20 oz	15.00%	Blank	Blank	Blank
N/A	Snacks/Candy	.50 - .80	Varies	15.00%	Blank	Blank	Blank
	Less: Money Changers	\$ (540.00)			\$ (360.00)		
	Estimated Total Commissions (per year):	\$ 5,311.05			\$ 3,979.70		

Opening Date -- 10-24-01  
Date Prepared -- 10/31/01

CITY OF TROY  
BID TABULATION  
VENDING MACHINE SERVICES

SBP 01-36  
Pg 2 of 8

VENDOR NAME:		** Vendtek	Lucky Greens Vending
INSURANCE:	Can Meet	Yes	Yes
	Cannot Meet		
DELIVERY DATE:	Later	Nov/Dec 2001	Blank
WARRANTY:		Blank	Blank
EXCEPTIONS:		Blank	Blank

**\*\* DENOTES HIGHEST ACCEPTABLE BIDDER**

NO BIDS:

Gordon Food Services

ATTEST:

Susan Leirstein  
Cheryl A. Morrell  
Linda Bockstanz

Opening Date -- 10-24-01  
Date Prepared -- 10-31-01

CITY OF TROY  
BID TABULATION  
VENDING MACHINE SERVICES

SBP 01-36  
Pg 3 of 8

VENDOR NAME:

Continental Services

Variety Food Services

Option #1

**Troy City Hall**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 5,260	Coffee	.40/.50	8.25/12 oz	20.00%	.40/.50	8 / 10 oz	21.00%
\$ 9,730	Bottle Beverage	1.10	20 oz	12.00%	1.00	20 oz	12.00%
\$ 1,615	Can Beverage	None	None	0.00%	0.80	12 oz	10.00%
\$ 5,670	Snacks/Candy	.40 - .90	Various	14.00%	0.60	Standard Vend	0.125%
\$ 4,390	Food/Milk/Etc	.50 - 2.50	Each	5.00%	1.40 Avg	Blank	0.00%
N/A	Ice Cream	0.75	Variable	10.00%	0.75	Standard Vend	5.00%
N/A	Coffee: Internat'l Flavors	.50/.60	8.25/12 oz	20.00%			
	Money Changer	\$40.00 per month			\$ -0-		
		\$ 3,232.90			\$ 2,440.79		

**Troy Public Library**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 690	Coffee	.40/.50	8.25/12 oz	20.00%	.40/.50	8 / 12 oz	21.00%
N/A	Bottle Beverage	1.10	20 oz	12.00%	1.00	20 oz	12.00%
\$ 2,140	Can Beverage	None	None	0.00%	0.80	12 oz	10.00%
\$ 1,906	Snacks/Candy	.40 - .90	Various	14.00%	0.60	Standard Vend	0.125%
N/A	Coffee: Internat'l Flavors	.50/.60	8.25/12 oz	20.00%			
	Money Changer	\$40.00 per month			\$ 95.00 per month		
		\$ 404.84			\$ 361.28		

**Troy Public Works Dept.**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 2,220	Coffee	.40/.50	8.25/12 oz	20.00%	.40/.50	8 / 12 oz	21.00%
\$ 3,750	Bottle Beverage	1.10	20 oz	12.00%	1.00	20 oz	12.00%
\$ 596	Can Beverage	None	None	0.00%	0.80	12 oz	10.00%
\$ 3,680	Snacks/Candy	.40 - .90	Various	14.00%	0.60	Standard Vend	0.125%
N/A	Ice Cream	0.75	Variable	10.00%	0.75	Standard Vend	5.00%
N/A	Coffee: Internat'l Flavors	.50/.60	8.25/12 oz	20.00%			
	Money Changer	\$40.00 per month			\$ -0-		
		\$ 1,409.20			\$ 980.40		

**Troy Parks & Recreation**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 460	Coffee	.40/.50	8.25/12 oz	20.00%	.40/.50	8 / 20 oz	21.00%
\$ 1,290	Bottle Beverage	1.10	20 oz	12.00%	1.00	20 oz	12.00%
N/A	Coffee: Internat'l Flavors	.50/.60	8.25/12 oz	20.00%			
		\$ 246.80			\$ 251.40		

**Troy Police/Fire Training Center**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
N/A	Bottle Beverage	1.10	20 oz	12.00%	1.00	20 oz	12.00%
N/A	Snacks/Candy	.40 - .90	Various	14.00%	0.60	Standard Vend	0.125%
	Less: Money Changers	\$ (1,440.00)			\$ (1,140.00)		
	Estimated Total Commissions (per year):	\$ 3,853.74			\$ 2,893.870		

Opening Date -- 10-24-01  
Date Prepared -- 10/31/01

CITY OF TROY  
BID TABULATION  
VENDING MACHINE SERVICES

SBP 01-36  
Pg 4 of 8

VENDOR NAME:		Continental Services	Variety Food Services
		Option #1	
INSURANCE:	Can Meet	Yes	Yes
	Cannot Meet		
DELIVERY DATE:		10/24/01	11/15/01
WARRANTY:		60 days or Bid Award Date	N/A
EXCEPTIONS:		Blank	Blank

Opening Date -- 10-24-01  
Date Prepared -- 10-31-01

CITY OF TROY  
BID TABULATION  
VENDING MACHINE SERVICES

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VENDOR NAME: CVC

Troy City Hall				Commission
Net Sales	Machines	Selling Price	Unit Size	Rate
\$ 5,260	Coffee	.35/.50	8 / 12 oz	0.00%
\$ 9,730	Bottle Beverage	1.10	20 oz	0.00%
\$ 1,615	Can Beverage	0.75	12 oz	0.00%
\$ 5,670	Snacks/Candy	.45 /.70		0.00%
\$ 4,390	Food/Milk/Etc	.50 - 3.00		0.00%
N/A	Ice Cream	.75 - 2.00		0.00%
N/A	Coffee: Internat'l Flavors			
	Money Changer	\$ -0-		
				\$ -

Troy Public Library				Commission
Net Sales	Machines	Selling Price	Unit Size	Rate
\$ 690	Coffee	.35/.50	8 / 12 oz	0.00%
N/A	Bottle Beverage	1.10	20 oz	0.00%
\$ 2,140	Can Beverage	0.75	12 oz	0.00%
\$ 1,906	Snacks/Candy	.45 /.70		0.00%
N/A	Coffee: Internat'l Flavors			
	Money Changer	\$ -0-		
				\$ -

Troy Public Works Dept.				Commission
Net Sales	Machines	Selling Price	Unit Size	Rate
\$ 2,220	Coffee	.35/.50	8 / 12 oz	0.00%
\$ 3,750	Bottle Beverage	1.10	20 oz	0.00%
\$ 596	Can Beverage	0.75	12 oz	0.00%
\$ 3,680	Snacks/Candy	.45 /.70		0.00%
N/A	Ice Cream	.75 - 2.00		0.00%
N/A	Coffee: Internat'l Flavors			
	Money Changer	\$ -0-		
			\$	-

Troy Parks & Recreation				Commission
Net Sales	Machines	Selling Price	Unit Size	Rate
\$ 460	Coffee	.35/.50	8 / 12 oz	0.00%
\$ 1,290	Bottle Beverage	1.10	20 oz	0.00%
N/A	Coffee: Internat'l Flavors			
				\$ -

Troy Police/Fire Training Center				Commission
Net Sales	Machines	Selling Price	Unit Size	Rate
N/A	Bottle Beverage	1.10	20 oz	0.00%
N/A	Snacks/Candy	.45 /.70		0.00%
Less: Money Changers				
Estimated Total Commissions (per year):				\$ -

Opening Date -- 10-24-01  
Date Prepared -- 10/31/01

CITY OF TROY  
BID TABULATION  
VENDING MACHINE SERVICES

SBP 01-36  
Pg 6 of 8

VENDOR NAME: CVC

INSURANCE: Can Meet  
Cannot Meet

Yes

DELIVERY DATE:

Blank

WARRANTY:

Blank

EXCEPTIONS:

Blank

Opening Date -- 10-24-01  
Date Prepared -- 10-31-01

CITY OF TROY  
BID TABULATION  
VENDING MACHINE SERVICES

SBP 01-36  
Pg 7 of 8

VENDOR NAME:

Continental Services

Canteen Vending Services

**Option #2**

**DMS: Did Not Meet Specifications**

**DMS-- Does Not Meet Specifications**

**Troy City Hall**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 5,260	Coffee	.50/.60	8.25/12 oz	25.00%	.40/.50	8.25/12 oz	24.60%
\$ 9,730	Bottle Beverage	1.25	20 oz	17.00%	1.00	20 oz	33.70%
\$ 1,615	Can Beverage	None	None	0.00%	0.75	12 oz	19.50%
\$ 5,670	Snacks/Candy	.40 - .90	Various	19.00%	.50/.75/.60	1 oz/2 oz/2.5 oz	25.10%
\$ 4,390	Food/Milk/Etc	.50 - 2.50	Each	5.00%	.55 - 2.50	0	N/A
N/A	Ice Cream	0.75	Variable	10.00%	0.75	0	10.00%
N/A	Coffee: Internat'l Flavors	.60/.70	8.25/12 oz	25.00%			
	Money Changer	\$ 40.00 per month			\$ Blank		
		\$ 4,265.90					

**Troy Public Library**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 690	Coffee	.50/.60	8.25/12 oz	25.00%	.40/.50	8.25/12 oz	24.60%
N/A	Bottle Beverage	1.25	20 oz	17.00%	1.00	20 oz	33.70%
\$ 2,140	Can Beverage	None	None	0.00%	0.75	12 oz	19.50%
\$ 1,906	Snacks/Candy	.40 - .90	Various	19.00%	.50/.75/.60	1 oz/2 oz/2.5 oz	25.10%
N/A	Coffee: Internat'l Flavors	.60/.70	8.25/12 oz	25.00%			
	Money Changer	\$ 40.00 per month			\$ No Charge		
		\$ 534.64					

**Troy Public Works Dept.**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 2,220	Coffee	.50/.60	8.25/12 oz	25.00%	.40/.50	8.25/12 oz	24.60%
\$ 3,750	Bottle Beverage	1.10	20 oz	12.00%	1.00	20 oz	33.70%
\$ 596	Can Beverage	None	None	0.00%	0.75	12 oz	19.50%
\$ 3,680	Snacks/Candy	.40 - .90	Various	19.00%	.50/.75/.60	Blank	25.10%
N/A	Ice Cream	0.75	Variable	10.00%	Blank	Blank	Blank
N/A	Coffee: Internat'l Flavors	.60/.70	8.25/12 oz	25.00%			
	Money Changer	\$ 40.00 per month			\$ No Charge		
		\$ 1,704.20					

**Troy Parks & Recreation**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
\$ 460	Coffee	.50/.60	8.25/12 oz	25.00%	.40/.50	8.25/12 oz	24.60%
\$ 1,290	Bottle Beverage	1.25	20 oz	17.00%	1.00	20 oz	33.70%
N/A	Coffee: Internat'l Flavors	.60/.70	8.25/12 oz	25.00%			
		\$ 334.30					

**Troy Police/Fire Training Center**

Net Sales	Machines	Selling Price	Unit Size	Commission Rate	Selling Price	Unit Size	Commission Rate
N/A	Bottle Beverage	1.25	20 oz	17.00%	Blank	Blank	Blank
N/A	Snacks/Candy	.40 -.90	Various	19.00%	Blank	Blank	Blank
	Less: Money Changers	\$ (1,440.0)					
	Estimated Total Commissions (per year):	\$ 5,399.04					

Opening Date -- 10-24-01  
Date Prepared -- 10/31/01

CITY OF TROY  
BID TABULATION  
VENDING MACHINE SERVICES

VENDOR NAME:		Continental Services	Canteen Vending Services
		Option #2	
		DMS: Did Not Meet Specifications	DMS: Did Not Meet Specifications
INSURANCE:		Can Meet	Yes
		Cannot Meet	
DELIVERY DATE:		10/24/01	10/24/01
WARRANTY:		60 days or Bid Award Date	Blank
EXCEPTIONS:		Blank	Blank

Jeanette Bennett  
Purchasing Director



**TASTE TESTING OF VENDING FOOD  
SUMMARY  
VENDTEK, INC.**

On December 6, 2001, we had Vendtek, Inc. come in with samples of their food products to be taste tested by 24 City of Troy Employees. The test was held in the Employee Lounge at the City Hall from 11:00 am to 1:00 pm. The employees were to try various products and fill out a questionnaire on each product. Here is the result of the questionnaire:

**QUESTION #1:** Please give your opinion on taste, appearance, and quality of the products.

**ANSWER:** 92% of the Employees rated the products very good or excellent for taste and appearance. About 80% thought the quality was good on various products.

**QUESTION #2:** If you had a low cal item would you buy again?

**ANSWER:** Most of the staff were favorable of buying again.

**QUESTION #3:** I would feel comfortable having this food in our Machines?

**ANSWER:** About 95% of the staff said "yes" they would like their products in our machines.

**EXPLAIN:**

- Good Sandwiches, as long as sandwiches were changed out everyday.
- If turn-over is quick
- High Quality
- Healthy Items
- Double Cheeseburger, good – less greasy than other burgers
- Would buy these products regularly
- Tasty – would buy – better than McDonald's
- I would tell others it's good and I did while I was eating the sample.
- This is what people want out of their vending machines
- Good size – It wasn't hot dog size, it was sausage size.
- Products tasted good and were filling.
- Offers variety of sandwiches.
- Very good, would be great with a cup of coffee
- Good healthy alternative to meat sandwiches
- Good breakfast selection
- Good selection of products
- Pita bread is healthy
- Easy to microwave
- As good as Subway
- Depending on price.

**ADDITIONAL COMMENTS:**

- I prefer these products to the name brand pre-packaged sandwiches
- Would like to see more fat free/low cal items in our machines
- It depends on the person's taste

## QUESTIONNAIRE

### FOOD SELECTION TESTING

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Item Selected: \_\_\_\_\_

Please fill out the following questionnaire on each item taken for test purposes:

**Taste:** \_\_\_\_\_  
\_\_\_\_\_

**Appearance:** \_\_\_\_\_  
\_\_\_\_\_

**Quality:** \_\_\_\_\_  
\_\_\_\_\_

If you had a low cal item would you buy again: (Explain)

\_\_\_\_\_  
\_\_\_\_\_

I would feel comfortable having this food in our Machines:

Yes \_\_\_\_ Explain: \_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_ Explain: \_\_\_\_\_  
\_\_\_\_\_

Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Food/Milk/etc. Machines Prices will range from \$.50 to \$2.00.

**PLEASE RETURN THIS QUESTIONNAIRE TO LINDA BOCKSTANZ, PURCHASING DEPT.**

THANK YOU FOR PARTICIPATING.

## Vending Machine Service Summary

Appendix C

After reviewing the bid proposals for Vending Machine Services, five bidders have met specifications. The only real difference between these companies is the overall commission rate. They are slightly different by pennies on the selling price, but the same price considering the unit size of the products.

Canteen has the highest commission rate, but the service levels are extremely poor (i.e. cleaned and stocked machines). The point of this contract is to service our customers who are employees and visitors to City buildings. If these buildings are experiencing problems, then our customer service goals are not being met.

Calling on the other vendor's references I received the following information:

### Vendtek:

**Roseville Public Schools** – No need to baby sit, well-stocked machines, will put in requested products. One problem is getting refunds. Trying to work this out at this time.

**Takata-Irwin Group** – No problems, keeps it well stocked, will put in products on request to try. No problem with refunds.

**FOX TV2 News** - No problems, keeps machines in good working order and clean. Machines are well stocked. Different products can be put in to try on request. They are a lot better than the company they had before, Continental Services, and will not have them again. They had problems with servicing of their machines and keeping them clean. They ended up pulling the machines out due to a bug infestation.

## CANTEEN PROBLEM SHEET CITY HALL

DATE	PROBLEM	CALLED IN	COMMENTS
5/22/01	Pop Machine is empty	5/22/01	Call to have a person fill machine
June, 2001	No Problems		
7/30/01	Pop Machine is empty	7/30/01	Call to have a person fill machine
7/31/01	Coffee Machine - Coffee looks like tea	7/31/01	Call to have a person check out machine
8/1/01	Coffee Machine- Coffee looks like tea	8/1/01	Call to have a person again check out machine
8/2/01	Food Machine - empty & light is out	8/31/01	Call to have a person check out machine
8/31/01	Coffee Machine - Coffee - no cups	8/31/01	Call to have a person check out machine & fill
9/10 to 9/13	Met with Representatives of Canteen to talk about  Machines being dirty and not cleaned. Stock being in our machines too long and out dated items put at the bottom of our machines and not being cleaned out later. (Driver written up)	9/10 to 9/13	Talked to two Canteen Representatives in the next couple of days
9/25/01	Pop Machine is empty	9/25/01	Called to have a person fill our machines
10/1/01	City of Troy - Power Outage-after 24 hrs -	10/1/01	Sandwiches replaced -due to power outage
10/25/01	Coffee Machine - Coffee looks like tea	10/25/01	Call to have a person check out machine
11/6/01	Slice of Pizza -Green Fur along with out dated sandwiches.	11/6/01	Call in to two Representatives - Sending out a repair man to look at Food Machine. Another Representative (Peter Hess) came out and is pulling all the Sandwiches and replacing them with new.
11/12/01	Machine out of pop and food Driver not showing up on Monday Morning	11/12/01	Called two Representative (Sharon Steel and Pete Hess) explained to both - that the pop machine is out of stock - can't believe Driver cannot stock machines and that he changes his route-and tried of babysitting their service.
11/13/01	Receive a call from Mark C. from P&R requesting to have the Pop and Coffee machines pulled out, because of not being stocked or serviced.	11/13/01	Called and talked to Pete Hess on this matter. He would look into it.
11/19/01	Coffee machine not working right and out of bottled water & pop.	11/19/01	Called to have a person check out machine & fill.
11/26/01	No food in food vending (Only 9 Slots left filled) No Water Since – Wednesday 11-21-01	11/26/01	JB Called to have a person check out machine & fill.
11/27/01	Coffee Machines was out of coffee.	11/27/01	Called to have is checked and filled.

**NOTE:** When machines are serviced or restocked – the Driver does relate to staff that the machine is now working or discuss the problem.

Problems have been reported at other locations but the building representative at that site handles the problems. It is not tracked in Purchasing.

A & K VENDING  
3301 HOLBROOK STREET  
HAMTRAMCK MI 48212-3519

ACME VENDING  
2575 PONTIAC LAKE ROAD  
WATERFORD MI 48328-2745

ALL STATE VENDING INC  
1094 WHISPER WAY COURT  
TROY MI 48098-4419

ALL-WORLD VENDING  
18267 MARLOWE STREET  
DETROIT MI 48235-2763

ALPHA AMUSEMENTS  
580 AJAX DRIVE  
MADISON HEIGHTS MI 48071-2428

AMERICAN VENDING INC  
1231 WHEATON  
TROY MI 48083

AMERICAN WAY SERVICE CORP  
30600 TELEGRAPH ROAD  
BINGHAM FARMS MI 48025-4530

AMGROUP  
13200 CAPITAL AVENUE  
OAK PARK MI 48237

ARAMARK  
20255 VICTOR PKWY #375  
LIVONIA MI 48152

ATTN LLOYD SENGSTOCK  
CONTINENTAL SERVICES  
44800 N I94 SERVICE DRIVE  
BELLEVILLE MI 48111

CANTEEN/COMPASS GROUP  
12840 PROSPECT AVENUE  
DEARBORN MI 48126

CONVENIENT VENDING & COFFEE SE  
1411 E 9 MILE ROAD  
FERNDAL MI 48220-2026

CVC - CONSOLIDATED VENDORS CORP  
48129 WEST ROAD  
WIXOM MI 48393

DANOR CORPORATION  
13221 NORTHEND  
OAK PARK MI 48237

EXPERT VENDING  
21279 HILLTOP  
SOUTHFIELD MI 48034

FANTASTIC VENDING  
2179 AVON INDUSTRIAL DRIVE  
ROCHESTER HILLS MI 48309

FILTERFRESH COFFEE EXCELLENCE  
21477 BRIDGE  
STE B  
SOUTHFIELD MI 48034

FIRST CHOICE VENDING  
11973 STRASBURG STREET  
DETROIT MI 48205-3849

FIVE STAR VENDING  
4800 CRESTBROOK  
WATERFORD MI 48328

GORDON FOOD SERVICE  
333 FIFTHIEST STREET SW  
GRAND RAPIDS MI 49501

HAV INC VENDING & FOOD SERVICES  
19808 SCHOOLCRAFT  
DETROIT MI 48223

J & S VENDING  
4540 SEEBALDT STREET  
DETROIT MI 48204-3755

JOHN SEXTON & CO  
1663 LONGFELLOW CT  
ROCHESTER MI 48063

KERSCH BEVERAGE & VENDING  
901 WANDA  
FERNDAL MI 48220

LUCKY GREENS VENDING  
4111 NOTTINGHAM ROAD  
DETROIT MI 48224-3419

MODERN VENDING SERVICE CO  
725 E FOURTH STREET  
ROYAL OAK MI 48067

NORTH AMERICAN INTERSTATE INC  
3842 W 11 MILE ROAD  
BERKLEY MI 48072

PARAMOUNT AMUSEMENTS  
11444 MOUND  
HAMTRAMCK MI 48212

PONTIAC VENDING INC  
16 IVY  
PONTIAC MI 48058

REFRESHMENT SPECIALISTS  
P O BOX 5325  
CULVER CITY CA 90231-9859

ROBINSON VENDING  
11685 MT ELLIOTT  
HAMTRAMCK MI 48212

RUSS VENDING SERVICE  
18292 FLORAL  
LIVONIA MI 48152

RUSSELL'S ICE CREAM  
1516 MCMANUS  
TROY MI 48084

SNACK-A-LOT VENDING CO  
19695 DALE  
DETROIT MI 48219

SPARE CHANGE VENDING INC  
621 ENGLEWOOD  
ROYAL OAK MI 48073

T D ROWE CORPORATION  
1416 MEIJER DRIVE  
TROY MI 48084

TONY'S VENDING COMPANY  
1940 PURITAN  
DETROIT MI 48233

VARIETY FOOD SERVICES  
25235 HOOVER ROAD  
WARREN MI 48089-0092

VARIETY VENDING  
25235 HOOVER  
WARREN MI 48089

VENDAMATIC  
1416 MEIJER  
TROY MI 48083

VENDING OF SOUTHEASTERN MICHIGAN  
1401 FORT  
DETROIT MI 48233

VENDTEK WHOLESALE EQUIPMENT  
30505 ANDERSEN COURT  
WIXOM MI 48393

VIX VENDING COMPANY  
901 WANDA  
FERNDAL MI 48220

WOLVERINE AMERICAN INC  
26400 CAPITAL  
REDFORD MI 48239



December 12, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Proposed Dates for a Joint Workshop with the  
Planning Commission

On December 6, 2001 we asked to know when you are available to meet with the Planning Commission and our planning consultant Richard Carlisle to discuss the enhancement of Troy's development/redevelopment tools. We offered ten dates in January and February, 2002. The closest we came to finding a time that works for most of you is Wednesday, February 20, where six Council Members are available.

I think it's important that you all be in attendance, so I've asked Dick Carlisle to advise me of his availability in March. When Dick gives me the March dates I'll fax them to you so that you'll have them before the December 17 Council meeting.

Attached is a list of the five main topics for discussion at our workshop. Please advise if you have any questions.

c: John Lamerato, Assistant City Manager/Finance & Administration  
Gary A. Shripka, Assistant City Manager/Services  
Mark Miller, Planning Director  
Doug Smith, Real Estate & Development Director  
Mary Redden, Office Coordinator

JS/mr\2001\To M&CC Re Dates Meeting with Planning Commission

## **SUMMARY OF DEVELOPMENT AND REDEVELOPMENT TOOLS**

### **1. URBAN DENSITY ZONING DISTRICT**

A new generation of housing that reflects the lifestyles of two working adults and the aging population is gaining popularity through the state and the nation. This housing includes attached and stacked condominiums that provide home ownership without the yard and maintenance that a single family home requires. The densities of these projects can range from 10 units per acre to 20 units per acre. This type of zoning district could provide diverse housing to meet the needs the new housing demands. A secondary goal of the zoning district is to encourage reinvestment and allow an alternative development option in the most intensive developed areas of the City. Application of the district could occur in areas, such as along the Big Beaver Corridor, where new office development is the current development goal. The Urban Density Zoning district would allow flexible standards to achieve property values that would compete with office property values and reduce traffic trip generation in comparison to office development.

### **2. PURCHASE OF DEVELOPMENT RIGHTS (PDR)**

The City and Village Zoning Act permits cities to adopt a Purchase of Development Rights (PDR) Ordinance to establish, finance and administer the purchase of development rights of agricultural lands. It appears this tool, as established by State law, would not apply to the City of Troy's condition. There may be the possibility of exploring a PDR Ordinance that has the intent of purchasing the development rights from owners that have natural features located on their properties.

### **3. TRANSFER OF DEVELOPMENT RIGHTS (TDR)**

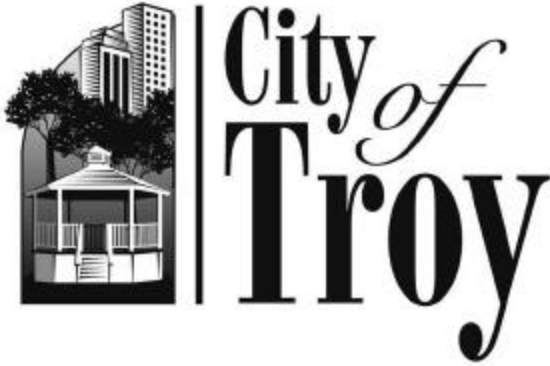
Transfer of Development Rights (TDR) is a land use management program designed to transfer the development potential from properties with natural features, to specific areas designated for intensive development and growth. The natural features properties are known as the sending zone, while the intensive growth areas are known as the receiving zone. This program is incentive based where it is possible to sell development rights without actually buying or selling land. No public funds are required for the TDR, because developers pay for the development rights transferred to a specific property. The result of this program creates an opportunity to achieve City growth and development goals and preserve natural features, while compensating landowners for lost development potential. Transfer of Development (TDR) is not recognized in the City and Village Zoning Act.

#### 4. PLANNED UNIT DEVELOPMENT/REDUCTION OF MINIMUM ACREAGE

City of Troy's Planned Unit Development (PUD) option of the Zoning Ordinance requires that an eligible site be at least ten (10) acres in area and be under single ownership or control. The intent of this ordinance is to permit flexibility in the design and development of land to create a single integral development. The PUD is unique because it permits variations in the Zoning Ordinance requirements while encouraging the preservation of natural features, innovative design, mixture of land uses, reduction of traffic congestion, redevelopment of obsolete uses, variety of housing types and higher quality development than can be achieved utilizing the existing zoning classifications. The ten (10) acre minimum size requirement limits the potential applicability of the PUD. There are properties within the City where a flexible and creative design concept could encourage high quality developments, but they are smaller than ten (10) acres in size.

#### 5. UNIFIED SITE DEVELOPMENT OVERLAY DISTRICT

A Unified Site Development Overlay District would permit two or more contiguous development sites, within the Downtown Development Authority, to be considered as a unified site for the purposes of calculating density, lot coverage, parking and other regulations related to development intensity. The intent of the ordinance would include innovative design, preservation of natural features, higher quality development, assembly and redevelopment of outdated development, enhanced economic development, net result in less development density, additional open space and net result in less traffic impact. There are developments within the Downtown Development Authority that have built below the maximum permitted density. The overlay district would permit abutting properties shift the unused development density to encourage high quality construction that meet the intent of the Unified Site Development Overlay District.



December 13, 2001

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: PROPOSED AGREEMENT- PEACOCK POULTRY

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Enclosed please find a proposed agreement between the City of Troy and Peacock Poultry Farms, which is located at 6355 Rochester Road, Troy, Michigan 48085. As you are aware, the property is a residentially zoned district. However, Peacock Poultry Farms, which originated back to approximately 1925, was permitted to remain on the property as a legal non-conforming use.

Based on complaints by neighbors, the City inspected the property, and discovered that Peacock Poultry Farms had been expanded from the original operation. For one thing, the Peacocks were now using a refrigerated semi-trailer for storage on the property. This semi-trailer generated a great deal of noise, in addition to presenting some aesthetics issues.

A shed was also constructed on the property within the last few years. This shed was "custom built" to accommodate a freezer unit, and does not comply with the City's requirements (a permit was also never requested). The City has issued misdemeanor citations for these additional storage facilities on site and also the alleged expansion of parking. However, the goal of the City is to eliminate these temporary storage facilities. The City has discussed the removal of these facilities with Gerald and Marilyn Peacock, in addition to addressing several other complaints.

As a result of negotiations, the Peacocks have agreed to permanently remove the semi-trailer and the shed, in exchange for permission to construct a 20 x 26 foot garage. The proposed garage would provide less cubic feet of storage than the semi-trailer, and would provide greater sound insulation for the neighboring properties. The Peacocks have also agreed to place a fence around the southern border of the property, which is also desirable. The Peacocks have also agreed to allow periodic inspections by the City, which will prohibit future expansion of the business. They have also agreed to preclude large delivery trucks from the property between the hours of 9 pm and 5 am.

It is my recommendation that Council approve execution of this proposed agreement. If you have any questions concerning the above, please let me know.

## AGREEMENT

This agreement is voluntarily entered into between the CITY OF TROY (TROY) and GERALD and MERILYN PEACOCK (PEACOCK), concerning the property at 6355 Rochester Road, Troy, Michigan 48085 (PROPERTY).

1. The legal description for the property owned by PEACOCK is: The East 5 acres of the North 10 Acres of Southeast  $\frac{1}{4}$  Section 3, T.2N., R.11E., City of Troy, Oakland County, Michigan. However, the PROPERTY involved in this Agreement is defined and described to consist only of approximately the easterly 1.42 acres, the measurements of which are approximately 377.15 to the West by 163.56, since the remainder of the PROPERTY is not utilized as part of the legal non-conforming use described below.
2. The property is currently zoned residential, R-1B, which generally precludes commercial uses.
3. Commercial activity has occurred on the property since approximately 1925, when Edsel Peacock (father of PEACOCK) operated Peacock Farms, a poultry facility. Since TROY's zoning classifications were enacted after this date, the commercial operation was permitted in the residentially zoned property, since it constitutes a legal continuance of a non-conforming use.
4. The property has consistently been used as a poultry facility since approximately 1925. The business has undergone several changes in the operation. Originally, the property was used to breed, purchase, raise, sell, and slaughter livestock and poultry. In addition, there were two large chicken (and fowl) coops, which also allowed for the collection and sale of eggs on the property and by delivery to customers off site. The coops were removed some time in the 1960s, since the business no longer raised and slaughtered their own fowl. Instead, the poultry was purchased from Amish farmers in Indiana. Poultry has always been sold on the property and by delivery by truck to various customers.
5. The elimination of the slaughtering of livestock led to the use of two combination truck/semi trailers, which were used to transport poultry to and from the property and when the vehicles were not on the road they were used to store and refrigerate the poultry delivered to the property and to customers, and also to store pallets used to transport the poultry. One of these trailers has already been removed from the PROPERTY. There is presently one white semi-trailer on the property, which is presently used to refrigerate and store poultry and pallets. It is TROY's contention that the semi-trailer, which is 42 feet by 8 feet, is not permitted to remain on the property. PEACOCK does not agree with this contention, but agrees with the alternative contained in this Agreement.

6. In order to accommodate storage needs which will be displaced by the removal of two undesired storage units currently on the property, PEACOCK shall be permitted to construct an additional structure on the property. This structure must be completed on or before June 30, 2002. PEACOCK shall apply for a permit for this structure from TROY. This permit shall not be denied by TROY, as long as the structure meets all of the following requirements:
  - A. The structure shall be no larger than 20 feet (north-south dimension) by 26 feet (east-west dimension).
  - B. The structure shall be limited to one story, and shall not exceed 14 feet in height, as defined in Section 04.20.23 of the City of Troy zoning ordinances.
  - C. The structure shall be constructed of textured wood, and shall be painted immediately after completion.
  - D. The structure shall have a pitched roof, with asphalt or fiberglass shingles.
  - E. The structure may have a seven foot high garage door on the north side of the structure. The door shall not exceed sixteen feet in width.
  - F. The structure shall be located a minimum of six feet from the south property line.
  - G. The structure shall be located at least ten feet west of the structure in the southeastern section of the PROPERTY (described as building #6355).
  - H. There shall be no openings, such as windows or doors, on the south side of the structure.
  - I. Exterior lighting may be permitted on the north side of the structure only. The height of any exterior lighting shall be limited to eight (8) feet. In addition, the proposed exterior lighting shall not create any light trespass on any property that adjoins the PROPERTY. Any exterior lighting shall be reasonably approved by TROY (Housing and zoning inspectors).
  - J. No mechanical equipment, including refrigeration units, compressors, or evaporative cooling units shall be placed on the exterior of the structure, except that ground mounted refrigeration equipment may be located north, west or east of the structure. This ground mounted refrigeration equipment shall be designed, installed, and operated such that the noise level shall not exceed 65 decibels at the property line.
  - K. The proposed structure shall comply with all TROY ordinances, except as otherwise stated in this agreement. TROY agrees to expeditiously approve the plans for the structure and approve the use of the structure, so as not to delay PEACOCK's ability to meet the June 30, 2002 date.
7. PEACOCK has agreed to forever remove the white refrigeration semi-trailer from the property on or before June 30, 2002. In addition, an existing storage building, which was built without a permit by PEACOCK and which currently houses a freezer, shall also be permanently removed by PEACOCK on or before June 30, 2002. These structures shall be removed from the site, without consideration for whether the additional structure has been completed

by that date. In addition, no outside storage shall be permitted anywhere on the PROPERTY, with the sole exception that not more than 200 pallets may be stored outside, near the fence, during the busy season, which is defined as November 1 to December 31. This limitation on outside storage does not include licensed trucks used in the business, two hi-low/ tractors, any licensed motor vehicles and any temporary storage due to necessary loading or processing of deliveries and shipments of poultry, when such required storage remains on the PROPERTY for less than 24 hours. This PROPERTY also contains the PEACOCK residence. The limitation on outside storage does not include a motor home or any incidental items that are stored outside that are a part of the use of the property for residential purposes.

8. In consideration for permission to build the structure, as referenced in paragraph 6, PEACOCK shall also agree to construct a six foot high privacy or stockade or other opaque fence on the PROPERTY. This fence shall be installed along a portion of the south property line of what will be the remaining portion of the property after it is divided, as submitted to TROY as proposed Peacock Farms Site Condominiums. The fence on the southern property line may be constructed in two phases. The first phase shall be constructed on or before December 31, 2002, and shall start at a point 125 feet west of the east section line of Section 3, and shall extend to the structure in the south eastern section of the PROPERTY (described as building #6355). The second phase shall be constructed on or before June 30, 2007, and shall extend for remainder of the south border of the property. Nothing shall prohibit PEACOCK or their designees, in their discretion, from extending a fence along the full width of the western boundary line.
9. In consideration for permission to build the structure, as referenced in paragraph 6, PEACOCK agrees to preclude delivery vehicles from outside vendors to and from the PROPERTY between the hours of 9 pm and 5 am, seven days a week. Although TROY prefers to preclude traffic before 7 am in a residential area, the traffic congestion on Rochester Road currently requires three outside vendors with large delivery vehicles to arrive on four weekdays, between 5 and 6 am. TROY will not interfere with these deliveries, as long as all other applicable TROY ordinances or state laws are satisfied. This paragraph is in no way intended to restrict deliveries by smaller vehicles for commercial or residential use after 7 am and before 9 pm on any day. This paragraph is in no way intended to limit smaller trucks in emergency situations at other hours, such as plumbing, electrical, refrigeration repair or tow trucks.
10. PEACOCK agrees that no other structures or semi-trailers will be constructed or located on the PROPERTY without first obtaining a permit from TROY and in compliance with TROY ordinances. PEACOCK agrees to permit TROY to conduct reasonable periodic inspections of the property to ensure that no unlawful expansion of a legal non-conforming use has occurred. These

inspections shall be conducted during regular business hours, and may continue for as long as the poultry facility remains on the property. TROY inspectors shall announce their presence for such inspection when they come onto the PROPERTY.

11. Although previously requested by TROY due to drainage concerns, the parking lots on the premises shall be permitted to remain on the PROPERTY as they currently exist, with the exception that PEACOCK shall be entitled to perform normal and routine maintenance to preserve the parking lots. However, there shall be no expansion of the parking lots or enlargement of the footprint of the parking lots on the PROPERTY.
12. This agreement shall be a covenant running with the PROPERTY, and shall therefore be recorded with the Oakland County Register of Deeds. This agreement shall be binding upon and inure to the benefit of the parties, and all successors, assigns, heirs or tenants of the parties, and is enforceable by the parties or their successors, assigns, heirs, or tenants.
13. All restrictions and permissions of the applicable TROY ordinances shall apply to the PROPERTY, except as otherwise provided by law.

The undersigned acknowledge that they have the authority to execute this agreement.

Signed this \_\_\_\_\_ day of December 2001.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2001.

In presence of:

PEACOCK:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Gerald Peacock

\_\_\_\_\_  
Merilyn Peacock



TROY

In presence of:

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Matt Pryor, Mayor

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Tonni Bartholomew, City Clerk

December 7, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Lori G. Bluhm, City Attorney  
William R. Need, Public Works Director

SUBJECT: Chapter 16 Composting Language

After listening to and digesting the unexpected amount of debate regarding composting of vegetative debris on private residential property it is our recommendation that the previously proposed *item b*, be rescinded and not replaced. The recommendation is based on the following:

- The language in the proposed *5b* is much too broad, giving property owner's unlimited latitude to deposit compost piles anywhere on their property as long as they are adequately screened. Our fear is that without reasonable restrictions, what starts out to be an accommodation for gardeners truly interested in adding to the fertility of their soil, turns into a loop-hole for those that would rather pile vegetative debris rather than package the material in the appropriate manner and place it curbside for regular yard waste collection. These individuals have no interest in composting, only to satisfy their own desire, even at the expense of their neighbors.
- The composting operation is a rather labor-intensive process, requiring that the material be turned over regularly to oxygenate the material sufficiently, allowing for active microbial activity in the pile. This is necessary to expedite the decomposing process and dramatically reduces odor problems. When bins are employed, this process is much easier, since you can transfer the material in one bin into another. However the only efficient manner to perform this task for large piles would be to use a bucket tractor or similar piece of heavy equipment. This turning process also goes a long way to minimize the potential of rodents setting up housekeeping in the pile.
- Even with the later suggested amendment to *5b*, *which limits the amount of area to one (1) percent of the size of the property*, an enormous amount of decomposing material could be housed on a property. For example, a one (1) acre parcel. The pile could cover 435.6 square feet of property (approximately 22' x 20'). Allowing the pile to achieve its maximum allowable height of three (3) feet, this area would generate forty-eight (48) cubic yards of compost. This amount would fill a double-bottom gravel train of five (5) of our tandem axle dump trucks (see attached photos).

- It is difficult to believe that anyone in Troy would need that amount of compost on a regular basis. If that amount of compost were necessary, it would make more sense to visit the public works recycling facility and make use of the composted material made available to Troy residents at no cost and in almost inexhaustible quantities. Both the MDEQ and a soil-testing laboratory in California tested this material and both agree that the product produced by SOCCRA is an excellent source of organic matter for soil amending.
- There was some concern that if there were restrictions placed on the amount of composting, then the City could require that leaves be cleared from wood lots. There is no ordinance in Troy that requires anyone to remove leaves, resulting from annual autumn leaf drop, from any soil surface area, therefore, leaf removal would not be required from wood lots.

In closing, we feel that the regulations as presented are reasonably enforceable, and in keeping with the character of the community. If Troy were a rural township we would agree that unlimited compost would not have a negative impact on the quality of life. Troy is not a rural township, it is highly urbanized and what occurs on one property does have an impact on not only the adjoining residents, but the entire neighborhood.



Truck Capacity: 10 yards



Compost generated from 1% of a 1-acre parcel would fill this truck.



Example of equipment that would be needed to turn a large compost pile.

## ALTERNATIVE A

### CITY OF TROY

#### AN ORDINANCE TO AMEND CHAPTER 16 OF THE CODE OF THE CITY OF TROY

#### THE CITY OF TROY ORDAINS:

##### Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 16 – Municipal Solid Waste and Recycling of the Code of the City of Troy.

##### Section 2. Amendment

Chapter 16, Section 2.19, has been re-written to reflect the services currently being extended to the residents of the City of Troy as follows:

##### 2.19 Composting

The restrictions of Chapter 39, Section 39.90.03; Chapter 88, Section 9.13; Chapter 48, Section 6.101(5), and Section 6.107 shall not be deemed to prohibit composting on private property.

The construction and maintenance of yard waste composting bins/piles shall be permitted subject to the following conditions:

- (1) The contents of compost bins/piles may consist of a combination of biodegradable material including those items listed as acceptable by composting authorities such as the Department of Natural Resources or Southeastern Oakland County Resource Recovery Authority.
- (2) The contents of compost bins/piles shall not include meats, bones, fish, dairy products, vegetable or animal fats, cooked foods, carnivorous animal manure, plastics, synthetics, or other non-biodegradable material.
- (3) Compost bins/piles are not permitted in drainage or utility easements.

- (4) Compost bins/piles are permitted in rear yards, a minimum of three (3) feet from any lot line and fifteen (15) feet from any dwelling located on adjacent property.
- (5) ~~Within platted subdivisions, Platted subdivision lots are~~ Composting bins/piles are limited in size to a maximum of 3 feet x 3 feet in area and 3 feet in height. **Each parcel is** limited to a maximum of three (3) bins/piles.
- (6) Composting must be maintained in a manner to prevent the escape of offensive, unwholesome, or nauseous odor to adjacent property and not be an active attraction/refuge for rodents. **In addition, there must be adequate screening to shield any compost bins/piles from the view of adjoining residential properties.**

### Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

### Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

### Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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Matt Pryor, Mayor

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Tonni Bartholomew. City Clerk



## ALTERNATIVE B

### CITY OF TROY

#### AN ORDINANCE TO AMEND CHAPTER 16 OF THE CODE OF THE CITY OF TROY

#### THE CITY OF TROY ORDAINS:

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##### Section 2. Amendment

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- (2) The contents of compost bins/piles shall not include meats, bones, fish, dairy products, vegetable or animal fats, cooked foods, carnivorous animal manure, plastics, synthetics, or other non-biodegradable material.
- (3) Compost bins/piles are not permitted in drainage or utility easements.

- (4) Compost bins/piles are permitted in rear yards, a minimum of three (3) feet from any lot line and fifteen (15) feet from any dwelling located on adjacent property.
- (5)
  - (a) Within platted subdivisions, composting bins/piles are limited in size to a maximum of 3 feet x 3 feet in area and 3 feet in height. Platted subdivision lots are limited to a maximum of three (3) bins/piles. **There must be adequate screening to shield any composting bins/piles on said parcel from the view of adjoining residential properties.**
  - (b) **Parcels exceeding one acre in size and located within a platted subdivision are exempt from the provisions of subsection 5 (a) as long as there is adequate screening to shield any composting bins/piles on said parcel from the view of adjoining residential properties.**
- (6) Composting must be maintained in a manner to prevent the escape of offensive, unwholesome, or nauseous odor to adjacent property and not be an active attraction/refuge for rodents.

### Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

### Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

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This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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Matt Pryor, Mayor

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Tonni Bartholomew. City Clerk

## Barbara A Holmes

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**From:** Mary F Redden  
**Sent:** Thursday, December 13, 2001 11:01 AM  
**To:** Agenda  
**Subject:** 12.17.01 Agenda - Lambert's Email Re "In God We Trust" Motto

Here you go!

-----Original Message-----

From: John J Szerlag  
Sent: Wednesday, December 12, 2001 8:22 PM  
To: 'Dave Lambert'  
Cc: Tonni L Bartholomew; Lori G Bluhm; Mary F Redden; Laura A Fitzpatrick  
Subject: RE: City Policy?

Dave:

I believe it should be Council policy to decide if "In God We Trust" motto will be placed on city buildings. As such, this e-mail will be included in the Council Comments portion of the next Agenda. Also, I'll have Laura get the particulars on the specs for this motto, if there are any.

Staff can then get direction from Mayor and Council after this discussion.

John

-----Original Message-----

From: Dave Lambert [mailto:dave@lambertonline.net]  
Sent: Saturday, December 08, 2001 9:44 PM  
To: City of Troy: Szerlag (2)  
Cc: City of Troy: Mary Redden  
Subject: City Policy?

John:

Last week, the Michigan Legislature approved legislation strongly encouraging the display of the motto "In God We Trust" in all public buildings in the state.

Is there any existing City policy that addresses the display of this motto?  
Should we get some kind of a resolution by Council?

Dave Lambert  
E-mail: dave@LambertOnline.net  
Web Page: www.LambertOnline.net

c: Mary R.



December 13, 2001

**TO:** MAYOR AND MEMBERS OF COUNCIL

**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY *LGB*

**RE:** ALLOWING THE DISPLAY OF THE NATIONAL MOTTO

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Enclosed please find a copy of Enrolled House Bill No. 5091, which is "an act to strongly encourage state agencies and units of local government to exercise their constitutional ability to place the national motto in or on public buildings or land in this state." Also enclosed please find a copy of the Legislative Analysis Section, which provides more detail about the deliberations and the content of the bill. These may be helpful in the discussion raised by Councilman Lambert.

If you have any questions concerning the above, please let me know.

**STATE OF MICHIGAN  
91ST LEGISLATURE  
REGULAR SESSION OF 2001**

Introduced by Reps. Ehardt, Raczkowski, Sanborn, Richardville, Hummel, Gilbert, Patterson, Jelinek, Bishop, Kooiman, Gosselin, Howell, Newell, Julian, Cameron Brown, George, Van Woerkom, Kuipers, Vander Roest, Woronchak, Kowall, DeRossett, Middaugh, Mortimer, Faunce, Mead, Meyer, Allen, Jansen, Drolet, Hart, Pumford, Ruth Johnson, Voorhees, Pappageorge, DeWeese, Stewart, Shackleton, DeVuyst, Bovin and Birkholz  
Reps. Anderson, Basham, Bradstreet, Rich Brown, Callahan, Cassis, Caul, Frank, Hager, Jamnick, Lemmons, Mans, McConico, Neumann, Rocca, Shulman, Spade, Stamas, Tabor, Vear and Wojno named co-sponsors

## **ENROLLED HOUSE BILL No. 5091**

AN ACT to strongly encourage state agencies and units of local government to exercise their constitutional ability to place the national motto in or on public buildings or land in this state.

*The People of the State of Michigan enact:*

Sec. 1. As used in this act:

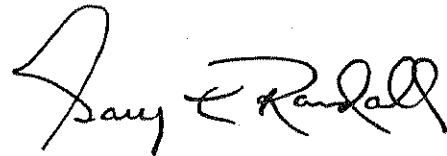
(a) "State agency" means a department, board, commission, office, agency, authority, or other unit of state government. State agency includes a state institution of higher education.

(b) "Unit of local government" means a political subdivision of this state, including school districts, community college districts, intermediate school districts, public school academies, cities, villages, townships, counties, and authorities, if the political subdivision has as its primary purpose the providing of local governmental service for citizens in a geographically limited area of the state and has the power to act primarily on behalf of that area.

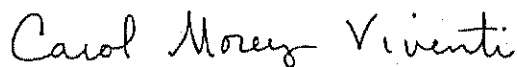
Sec. 2. This state strongly encourages each state agency and unit of local government to exercise their constitutional ability to place the national motto "In God We Trust" in or on public buildings or land owned or occupied by that state agency or unit of local government.

(106)

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor.



**House  
Legislative  
Analysis  
Section**

House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## ALLOW DISPLAY OF NATIONAL MOTTO

**House Bill 5091 as introduced  
First Analysis (10-11-01)**

**Sponsor: Rep. Stephen Ehardt  
Committee: House Oversight and  
Operations**

### ***THE APPARENT PROBLEM:***

The original motto of the United States was "E Pluribus Unum", Latin for "One from many" or "One from many parts". It was included in the first design for the Great Seal of the United States, submitted by John Adams, Benjamin Franklin, and Thomas Jefferson. A different version of the seal, but including the motto "E Pluribus Unum", was eventually adopted by Congress in 1782, and the motto was first used on some federal coins in 1795.

According to information from the U.S. Department of Treasury, increased religious sentiment during the Civil War prompted some citizens to appeal for a recognition of God on United States coins. The motto "In God We Trust" was first placed on a U.S. coin following an 1864 act of Congress. The motto first appeared on several coins minted from 1864 to 1873. Since 1938, all U.S. coins bear the inscription. In 1956, the 84<sup>th</sup> Congress passed a joint resolution declaring "In God We Trust" to be the national motto of the United States. The motto began appearing on paper currency in 1957.

The use of the phrase "In God We Trust" on U.S. money, and as a motto appearing in public places, has been somewhat controversial. It has been challenged on the grounds that it violates the Establishment Clause of the First Amendment to the United States Constitution. ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.") However, these lawsuits have generally been unsuccessful. The U.S. Court of Appeals, Tenth Circuit, found in 1996 that "a reasonable observer, aware of the purpose, context, and history of the phrase, 'In God we trust,' would not consider its use or its reproduction on U.S. currency to be an endorsement of religion." The U.S. Supreme Court refused to review this ruling. (In related cases, the Supreme Court has used a three-part test [the "Lemon" test] to determine whether a challenged statute is permissible under the Establishment Clause: "First, the statute must have a

secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . . ; finally, the statute must not foster 'an excessive government entanglement with religion.'")

Those who encourage the increased acknowledgement of religious faith in public settings are engaged in promoting the display of the motto "In God We Trust" in public places. The American Family Association promotes the display of the motto by distributing posters to individuals and to elected officials. The Colorado State Board of Education voted in July 2000 to encourage the display of the motto in public schools and other public buildings. Several proposals have been introduced in state legislatures to encourage or require the posting of the national motto in public places.

Legislation has been introduced to permit state agencies and local governments in Michigan to post the national motto.

### ***THE CONTENT OF THE BILL:***

The bill would create a new act to allow a state agency or a unit of local government to place the national motto "In God We Trust" in a public building owned or occupied by that agency or unit.

Under the bill, "state agency" is defined to mean a department, board, commission, office, agency, authority, or other unit of state government, and also would include a state institution of higher education. "Unit of local government" would mean a political subdivision of the state, if the political subdivision has as its primary purpose the providing of local government service for citizens in a geographically limited area of the state, and has the power to act primarily on behalf of that area. A unit of local government would specifically include a school district, community college district, intermediate

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school district, public school academy, city, village, township, county, and authority.

### **FISCAL IMPLICATIONS:**

According to the House Fiscal Agency, the bill has no fiscal implications for state or local government. (10-1-01)

### **ARGUMENTS:**

#### ***For:***

The bill would specifically permit state agencies and local governments to post the national motto, "In God We Trust", in public places. That there should even be debate about the appropriateness of posting it seems, to many, to be farfetched. The phrase *is*, after all, the national motto, adopted by an act of Congress, and its use has been upheld as constitutional. "In God We Trust" has a long and distinguished history as a motto and a statement of faith. It is derived from the line, "And this be our motto: 'In God is our trust', which occurs in the final stanza of the national anthem, "The Star Spangled Banner", whose words were written by Francis Scott Key in 1814. As Key's poem itself was inspired out of the passion and hope of wartime, the motto "In God We Trust" has been embraced by Americans particularly in times of crisis, first appearing on U.S. coins during the Civil War, and adopted as the national motto during the Cold War years. As Americans again face a period of national crisis, it seems fitting for the legislature to encourage citizens to embrace the national motto.

#### ***Against:***

Despite the 1996 appeals court ruling, which dealt with the use of the motto on currency, the phrase "In God We Trust" has a religious meaning and connotation to many, and this type of legislation would indeed seem to imply the legislature's endorsement of this religious sentiment. This is troubling to those who are concerned about the rights of religious minorities, or those of no religious persuasion, and it is particularly troubling in the public school setting. Many feel that public schools should not be inculcating children with religious values, and that rather than uniting the citizenry in a time of crisis, such a proposal may indeed be divisive. If the aim is to promote patriotism, rather than religion, a more appropriate motto to encourage would be "E Pluribus Unum" (one from many), or "United We Stand".

### **POSITIONS:**

Citizens for Traditional Values supports the bill (10-4-01)

The ACLU of Michigan opposes the bill. (10-10-01)

Analyst: D. Martens

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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## DISPLAY OF NATIONAL MOTTO - H.B. 5091 (S-4): FIRST ANALYSIS

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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 5091 (Substitute S-4 as reported by the Committee of the Whole)

Sponsor: Representative Stephen Ehardt

House Committee: House Oversight and Operations

Senate Committee: Local, Urban and State Affairs

Date Completed: 11-28-01

**RATIONALE**

In 1956, the U.S. Congress passed a joint resolution declaring "In God We Trust" to be the national motto. Since then, all U.S. currency, as well as many public buildings and public schools display the motto. The use of the phrase "In God We Trust", however, has been somewhat controversial and its constitutionality has been challenged throughout the years. Apparently, some school board members discourage displaying the national motto in school buildings because of the word "God", which could be considered to promote a certain religion. Many people believe, however, that the national motto expresses a common belief and does not promote or endorse a particular religion. To ensure that schools and other governmental entities are permitted to display the motto, it has been suggested that the State encourage this practice in law.

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**CONTENT**

The bill would create a new act to state, "This state strongly encourages each state agency and unit of local government to exercise their constitutional ability to place the national motto 'In God We Trust' in or on public buildings or land owned or occupied by that state agency or unit of local government."

Under the bill, "state agency" would mean a department, board, commission, office, agency, authority, or other unit of State government, including a State institution of higher education. "Unit of local government" would mean a political subdivision of the State, including a school district, community college district, intermediate school district, public school academy, city, village, township, county, and authority, if the political subdivision had as its primary purpose the provision of local governmental service for citizens in a geographically limited area of the State and had the power to act primarily on behalf of that area.

## **ARGUMENTS**

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

### **Supporting Argument**

By creating a statute to encourage State agencies and local governments, including schools, to display the national motto in or on public buildings or land, the bill would codify the State's endorsement of that practice. This should help dispel the concerns of those who would like to display the motto but wish to avoid controversy. "In God We Trust" is the official national motto and expresses an unifying and common belief accepted by most Americans.

### **Opposing Argument**

The motto endorses a religious point of view and implies a preference for a particular religious perspective. The word "God" promotes monotheism over multitheism as well as over atheism. The best way to protect religious freedom is to keep religion and government separate.

**Response:** The motto is a respectful statement of belief in a higher power, and is well within the country's founding traditions and legal framework. As an editorial in the *Grand Rapid Press* (11-3-01) put it, the motto expresses a common belief and, "a conviction that God and faith are the sources of liberty and morality and the underpinnings of the democratic system".

- Legislative Analyst: N. Nagata

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

- Fiscal Analyst: J. Runnels H0102\s5091a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

***Service Commendation***  
**SUSAN BLANK**

**WHEREAS, Susan Blank** began her employment with the City of Troy in 1980 first as an instructor for Danceit exercise program and since 1986 as the Coordinator for the program; and

**WHEREAS**, Danceit is the most popular exercise program offered by Troy Parks & Recreation; and

**WHEREAS**, During the course of her employment, more than 15,000 people have attended **Susan's** classes to learn aerobic dance routines and improve their physical fitness; and

**WHEREAS, Susan** has contributed many tireless hours of dedicated service to the City of Troy and the well being of its citizens.

**NOW, THEREFORE, BE IT KNOWN**, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Susan Blank** for her many contributions to the Troy Parks & Recreation Department; and

**BE IT FURTHER KNOWN** That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Susan** during her retirement years.

Signed this 17<sup>th</sup> of December 2001.

***Service Commendation***  
**ROBERT SKINNER**

**WHEREAS, Robert Skinner** began his part-time employment with the City of Troy as the Coordinator for Judo, Karate and Aikido-Self Defense for the Parks and Recreation Department in September, 1970; and

**WHEREAS, Robert** has achieved a degree black belt in Shotokan Karate, 3<sup>rd</sup> degree black belt in Kodokan Judo and a 1<sup>st</sup> degree black belt in Aikido; and

**WHEREAS,** During the course of his employment, more than 11,500 people, children and adults, have enjoyed learning discipline, confidence and competing with their new skills; and

**WHEREAS, Robert** has contributed many hours of dedicated service to the City of Troy and its citizens.

**NOW, THEREFORE, BE IT KNOWN,** That the City Council of the City of Troy takes this opportunity to express its appreciation to **Robert Skinner** for his many contributions to the Troy Parks & Recreation Department; and

**BE IT FURTHER KNOWN** That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Robert** during his retirement years.

Signed this 17<sup>th</sup> of December 2001.

Meeting was called to order at 7:30 P.M., on Tuesday, September 18, 2001.

PRESENT: Marjorie A. Biglin  
Kevin Danielson  
David J. Eisenbacher  
Paul C. Lin  
William G. Martin, Chair  
Jacques O. Nixon  
Dorothy Scott

STAFF: John M. Skeens, Education Coordinator/Museum

ABSENT (EXCUSED): None

### **ITEM #1 APPROVAL OF MINUTES OF MEETING OF APRIL 17, 2001.**

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF APRIL 17, 2001 AS WRITTEN.

Yeas: 7—Ayes. Biglin, Danielson, Eisenbacher, Lin, Martin, Nixon, Scott

### **ITEM #2 NEW BUSINESS**

#### **A. Grain Building 46 E Square Lake Road:**

Kathy Johnson had requested time and study for the old grain building at 46 E. Square Lake Road in that she was requesting a beauty parlor use. At this time there was a question as to the amount of parking available. Item tabled for further information, due to City of Troy requirements.

#### **B. Certified Local Government Program:**

Discussion regarding information for a certified Local Government program giving tax credits for restorations. Reviewed and filed in that we do not immediately require this certification.

### **ITEM #3 OLD BUSINESS**

#### **A. 777 West Square Lake Road:**

Outside windows are now being repaired. Bricks were found that would match and one large bay window have been repaired.

#### **B. Cemetery Marker:**

Drawings for a granite marker for Beach Road cemetery was presented with several phrases that could be placed on the marker to show our appreciation for these pioneers. The phrase "Pioneers of Troy" seemed most appropriate with perhaps another small phrase. Also, discussion was made for something to compliment the marker at all cemeteries. Mr. Lin will submit a thoughtful sign with further discussion at the next meeting.

**C. Krell Park:**

Nothing further has been given to the District Commission for consideration. We have our site plan and the site plan as submitted to Council by John's Party Store.

**D. Church Update:**

Nixon gave a brief statement of what has been done in committee and that the Architect has stated there is nothing basic wrong with the structures.

**E. Flyer Program:**

Submitted for review and update. Skeens will present new flyer for approval. This is for mailing to all homeowners for their information.

**ITEM #4 OTHER**

**A. Letter from History Division:**

Concern for two structures (not on our list) that will be effected by road work in the future. These owners did not want to be listed because they thought nothing could happen to their property. Mr. Skeens will do a research write-up of the history.

The Troy Historical Commission meeting adjourned at 9:33 P.M.

The next regular meeting is scheduled on Tuesday, October 16, 2001 at 7:30 PM.

Sincerely

John M Skeens  
Education Coordinator/Museum

Meeting was called to order at 7:30 P.M., on Tuesday, October 16, 2001.

**PRESENT:** Marjorie A. Biglin  
Kevin Danielson, Co-Chair  
David J. Eisenbacher  
Jacques O. Nixon  
Dorothy Scott

**STAFF:** John M. Skeens, Education Coordinator/Museum

**ABSENT (EXCUSED):** Paul C. Lin  
William G. Martin, Chair

**ITEM #1 APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 18, 2001.**

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF SEPTEMBER 18, 2001  
AS WRITTEN. Yes: 5-Yes. Biglin, Danielson, Eisenbacher, Nixon, Scott

**ITEM #2 NEW BUSINESS**

No new business.

**ITEM #3 OLD BUSINESS**

**A. 770 West Square Lake Road:**

Tabled. Awaiting report from Paul Lin.

**B. Cemetery Marker:**

Drawings for a granite marker for Beach Road Cemetery were presented with several phrases that could be placed on the marker to show our appreciation for Troy's pioneers. The phrase "Cheer up, we are near the land of promise. See that light ahead, that is the land of promise"...we "came up to our new place, where we have lived ever since, the recipients of manifold blessings, temporal and spiritual" seemed most appropriate. It came from the recollections of S.V.R. Trowbridge. This will be placed on the granite marker with the names of the pioneers who are buried in the cemetery.

**C. Krell Park:**

Tabled. Awaiting report from William Martin.

**D. Church Update:**

Jacque Nixon reported that stabilization measures have been taken by the Building Operations Department under the recommendation of Architect Yurk. Phase one is complete and phase two report due in November.

**E. Flyer Program:**



Preliminary content reviewed by commission. John Skeens presented alternate designs for the flyer. Will submit final for review at the November meeting.

**F. Update of Homes on East Long Lake Road:**

John Skeens submitted a letter to the State Historic Preservation Office supporting the City of Troy and the Oakland County Road Commission in the widening of Long Lake Road. The SHPO felt that the project would have adverse effects on two homes. John Skeens, City of Troy, and the RCOC. proposed alternate construction methods, historic plantings, and consulted with the homeowners to elevate any concerns they may have.

**G. Yamasaki Designation:**

Tabled. Awaiting report from Paul Lin.

**ITEM #4 OTHER**

No other items.

The Troy Historical Commission meeting adjourned at 9:05 P.M.

The next regular meeting is scheduled on Tuesday, November 20, 2001 at 7:30 PM at the Troy City Hall in conference room C.

Sincerely

John M Skeens  
Education Coordinator/Museum

Advisory Committee for Senior Citizens  
Minutes of November 1, 2001

**Present:** David Ogg, Member                      Steven Banch, Member  
Jo Rhoads, Member                      Ed Forst, Member  
Merrill Dixon, Member                      Bill Weisgerber, Member  
Jane Crowe, Member                      Marie Hoag, Member  
Lawrence Jose, Member                      Carla Vaughan, Staff

**Excused:** None

**Absent:** None

**Visitors:** Eloise Huston

**Approval of Minutes:** Motion by Larry Jose, supported by Bill Weisgerber that the minutes of October 4, 2001 be amended as follows: Bill Weisgerber feels that City Hall should budget for discounts for low income, **seniors and disabled**. Ayes: All Nays: None MOTION CARRIED

**Old Business:**

**Community Center Update:** No report.

**Suggestion Box:** Following up on an earlier suggestion regarding unpleasant volunteers in the lunchroom, Merrill Dixon, Jo Rhoads and Carla Vaughan met with Jean Moseley to discuss the problem. Steve Banch met with two of the volunteers in question. It was moved by Merrill Dixon, seconded by Bill Weisgerber, that the committee would review the situation at their December meeting.

**Fees for Senior Programs:** Bill Weisgerber distributed copies of a packet of information that went to City Council regarding fees at the new Community Center. A discussion was held. The Committee decided to make three recommendations to City Council: It was moved by Bill Weisgerber, seconded by Larry Jose, to recommend that the fitness area be free the first month it is open to attract more potential members. Ayes: 8. Nays: 1. MOTIONED CARRIED. It was moved by Bill Weisgerber, seconded by Ed Forst, to recommend that low-income persons receive a 30% discount rather than a 10% discount on the membership fee. Ayes: 9. Nays: 0. MOTIONED CARRIED. It was moved by Bill Weisgerber, seconded by David Ogg, to recommend that discounts should be provided through City Hall and not the Parks and Recreation Department. Ayes: 9. Nays: 0. MOTION CARRIED.

**New Business:**

**Number of Newsletters Distributed:** Carla Vaughan reported that 3400 senior newsletters are mailed each month. In addition, 400 are distributed at Oakland Park Towers and 400 are distributed at the Community Center.

**Decaffeinated Coffee:** Carla Vaughan reported that the kitchen staff did make decaffeinated coffee for one week and on three days about half of the 60 cups brewed were used. Of the other two days, 10 cups were used one day and 50 cups were used the other day. There have not been any requests since for decaffeinated coffee and it has been discontinued for the time being. The kitchen staff is willing to make it again if we get any more requests.

**Other:**

**Member Comments:** Mr. Ogg asked why Troy has a higher suggested donation for lunch than Madison Heights. Carla will ask someone from Emerald Kitchens to attend the December meeting. Bill Weisgerber will seek copies of all contracts related to the meals program.

Jo Rhoads was concerned about the limited number of flu shots that Oakland Parks Towers received for their clinic. Carla reported that quantities are limited this year and we expect to run out at the Community Center also. Carla referred Jo to Penny Brown at the Oakland County Health Department for more information.

Larry Jose (and several other members) had not received their newsletter. Carla reported that they were mailed last week and the Post Office has up to five days to deliver them.

Ed Forst reported that the minutes on the City's website are several months old. Carla will forward his concern to the Community Affairs Department.

**Parks and Recreation Report:** Larry Jose reported that Carl Simmons attended the September meeting and reported that the woodchucks are getting in under the fence. Possible changes to Sylvan Glen were discussed and work has started on the new golf course. A cricket field is being built.

**Troy Medi-Go Plus Report:** Jo Rhoads reported the Medi-Go has a new office at Niles School and a new phone number.

**Nutrition Report:** There were **1250** meals served in the Troy Community Center in **September**. The average donation was **\$1.72**. **1438** homebound meals were delivered.

The meeting was adjourned at 11:55 am

Respectfully submitted,

Carla Vaughan  
Secretary

**Tuesday, November 6, 2001 - 7:30 AM**

ABSENT: None

Yes: All-2

Lieutenant Scott McWilliams advised that Police Service Aide Ersig is currently on the Empco list, but not on Troy's version. He continued by stating that he believes there have been a number of top-notch candidates overlooked for one reason or another. In the case before them today, Lieutenant McWilliams reported that the candidate completed all of

Empco's paperwork and is now being considered for every other department except for Troy.

Chair McGinnis believes the only option before them at this time is to place Police Service Aide Ersig on the Troy list exactly at the point where he would fall in.

Captain Dane Slater believes they all agree Empco is at fault and then referred to the letter from them and received by Police Service Aide Ersig, which infers he could have retaken the test had he known to retake it.

Chair McGinnis asked how would their decision to place Police Service Aide Ersig on the Troy list affect the other 48 candidates and administrative staff. Further, he questioned whether they would be obligated to notify the other candidates.

City Attorney Bluhm does not believe they need to contact the other candidates. However, she added if a candidate contacted the city, the city could then offer them the opportunity to appeal.

Peggy Clifton stated although she would like to see Police Service Aide Ersig on the Troy list, in order to be fair, she suggested that they reconsider the other candidates and determine how they will address this situation the next time.

Chair McGinnis agrees there should be no confusion next time and that they should direct Empco to follow the statute.

Commissioner Cannon asked whether the test is consistent.

City Attorney Bluhm understands it is always the same exam.

Peggy Clifton believes the city should retain Empco because they offer an excellent test service and further believes the communication should be improved between Empco and the candidate.

Moved by McGinnis  
Seconded by Cannon

RESOLVED, That Police Service Officer Michael D. Ersig be placed on the City of Troy Police Officer Eligible List and those candidates also similarly eligible will also be placed on the Police Officer Eligible List administratively.

Yes: All-2

**New Business:**

**(a) Appointment of New Member to Fill Vacancy Due to Resignation of Member  
Sirotti – Term Expires April 30, 2002**

Members requested that an evening meeting be scheduled to interview the candidates that applied for the commission's vacancy.

**Old Business:**

**(a) Amendment to Civil Service Commission (Act 78) - Hearing Rules –  
Section 5. Ties**

Moved by Cannon

Seconded by McGinnis

RESOLVED, That the language for the amendment to the Hearing Rules – Breaking of Ties proposed and approved on September 20, 2001 be adopted.

Yes: All-2

**Adjournment:** The meeting was adjourned at 7:50 AM.

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Donald E. McGinnis, Jr., Chairman

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Barbara A. Holmes, Deputy City Clerk

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - FINAL WITH  
CORRECTION**

**NOVEMBER 7, 2001**

The Chairman, Leonard Bertin, called the meeting to order at 7:00 pm Wednesday, November 7, 2001.

Present:	Leonard Bertin, member	Nancy Sura, member
	Angela J Done, member	Dick Kuschinsky, member
	Dorie House, member	Nancy Johnson, member
	John Rodgers, member	Sharon Lu, student rep
	Jerry Ong, student rep	Mitch Grusnick, staff
	Cynthia Buchanan, member	Mary McGinnis, staff

Absent:	Phillip D'Anna, member	Sharon Connelly, member
	Mary Ann Butler, alt member	
	Kul Gauri, member	

**ITEM B – APPROVAL OF MINUTES OF MEETING OF OCTOBER 3, 2001.**

Motion by Kuschinsky to approve Minutes. Supported by Sura.

**ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC**

No Visitors

**ITEM D – NEW BUSINESS**

Bertin stated that both Phillip D'Anna and Nancy Sura have declined re-appointment to this Committee. Phillip D'Anna has a conflict with the meeting dates, and will seek appointment to another Committee that meets at a different day. Nancy Sura still plans to participate and will not leave until a replacement is found.

Cynthia Buchanan is currently appointed as an alternate member and should be moved to member status. Bertin made a resolution to make a request of City Council that Cynthia Buchanan become a permanent member of the Advisory Committee for Persons with Disabilities. Dorie House seconded the resolution. All voted in favor.

Sura stated that she had been with the Committee for seven (7) years and it was time to pursue other avenues. Bertin asked that the Committee continue to diversify and would like to concentrate on someone that has experience with developmentally disabled now that Sura is leaving. Johnson suggested a blind or hearing-impaired individual would be a good choice. Bertin made a motion that Nancy Sura continue to receive the Minutes of the Committee meeting. Bertin will ask Cindy Stewart to put a request in the Troy Today for new members, and will contact the Recording for the Blind on Rochester Road to see if they have a resource for a new member.

## **ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - FINAL WITH CORRECTION**

**NOVEMBER 7, 2001**

A Disability Recognition Day discussion will be placed on the December 2001 Agenda.

### **ITEM E – REGULAR BUSINESS**

Bertin and Sura attended study sessions on the fee structure for full use of the new Community Center. Basically what is available at the Community Center now is what will be available without fees at the new facility. It appears the fee schedule would be ~~\$90.00~~ \$180.00 per person, \$90.00 additional for each family member annually or \$450.00 per family of four. This fee would include access to the pool, cardio vascular workout room, therapy pool and gym.

At the end of this study session it was recommended that persons with disabilities and senior citizens be given a 10% discount.

Sura stated that she is opposed to this fee structure because everyone who wants to enjoy full use of the Community Center may not be able to afford these fees; everyone agreed.

Kuschinsky asked who was promoting this fee schedule. Bertin responded that the Administration does not want to raise the taxes in Troy, and therefore a fee for services is necessary to cover operation costs.

Bertin will send an invitation to the City Council members to join the Disabilities Committee for “Cake and Conversation” at the December 2001 meeting. The discussion will be based on the visions and goals of the disabled for use of the new Community Center.

The student representatives of the Committee, Ong and Lu, will compile a “Petition of Interest” to be circulated at both High Schools. This petition will measure the attitude teenagers have in paying fees for using the facilities at the Community Center and if they believe it is affordable for their families.

### **ITEM F – OLD BUSINESS**

Bertin has received Advisory Committee for Persons with Disabilities Business Cards from the City. These cards have Mitch Grusnick's phone number on them. Bertin will share them with any member who needs them. Bertin would also like to inquire if it would be possible for the Committee with Disabilities to have their own e-mail address.

Brian Francisco did receive an award last month for his community service from Leadership Troy. Francisco has held a monthly dance for young adults with disabilities for the past 12 years.

Bertin stated that the “Disabilities Today” show that was filmed here in October would air sometime in January 2002.



**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - FINAL WITH  
CORRECTION  
NOVEMBER 7, 2001**

Bertin moved on to the ADA Self Evaluation form. Grusnick distributed a new evaluation by the City of the Nature Center. Bertin stated that several facilities were not in existence at the time of this evaluation and suggests it might be time to add new ADA Evaluation.

Grusnick reported that the approach to the main doors and front sidewalk of the Troy Library has been repaired and is not a hazard anymore. The photo eye has been repaired and the exterior lighting is back on. Also, a "No Parking or Standing" sign will be installed at the front entrance drive, which should discourage drivers from blocking in handicap parking spaces.

**ITEM G – INFORMATIONAL ITEMS**

**ITEM H - ADJOURN**

Motion was made to adjourn by Kuschinsky and seconded by Bertin. Meeting was adjourned at 9:00 p.m.

MG:mm

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:35 A.M. on Wednesday, November 7, 2001.

PRESENT: Ted Dziurman  
Rick Kessler  
Bill Need  
Rick Sinclair  
Frank Zuazo

ALSO PRESENT: Mark Stimac  
Ginny Norvell  
Pam Pasternak

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 3, 2001.**

Motion by Need  
Supported by Nelson

MOVED, to approve the minutes of the meeting of October 3, 2001 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – VARIANCE REQUEST. BEVERLY COLWANDER, REPRESENTING ELF SHELF ARTS & CRAFT SHOW**, for relief of Chapter 78 to place 75 off-site signs advertising a special event for a period of 8 days.

Mr. Stimac explained that the petitioner is requesting relief to place 75 off-site signs advertising the Elf Shelf Arts & Craft Show for a period of 8 days from November 18, 2001 through November 25, 2001. Section 14.03 of the Sign Ordinance limits the number of off-site signs to four (4). Section 14.02 of the Sign Ordinance permits off-site signs to be in place for a maximum of seven (7) days.

Ms. Marilyn Johnson, representing Elf Shelf Arts & Craft show was present and stated that the reason they are requesting eight (8) days is because it is much easier for the persons responsible for putting out the signs to do it on a Sunday. Ms. Johnson went on to say that in November 2000 they had received a similar variance for 75 off-site signs for a period of 8 days and wished for the same request for this November.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There is one (1) written approval.

Mr. Need asked how many people are responsible for the signs and Ms. Johnson stated that they have a committee of eight. Ms. Johnson also said that they have always made sure that the signs were taken down the day after the Craft Show.

**ITEM #2**

Motion by Need

Supported by Kessler

MOVED, to grant Beverly Colwander, representing Elf Shelf Arts & Craft Show, relief of Chapter 78 to place 75 off-site signs advertising a special event for a period of 8 days from November 18, 2001 through November 25, 2001.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #3 – VARIANCE REQUEST. AMERICAN FREIGHT, 205 PARK,** for relief of Chapter 83 to install an electrically charged fence.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install an electrically charged fence at 205 Park. The site plan submitted indicates the placement of a 10' high electrically charged fence along the boundary lines of this property. Chapter 83, paragraph 3 prohibits the placement of this fence between the building line and the front property line along Park Street. Chapter 83, paragraph 4, also prohibits the use of an electrically charged fence.

Mr. Don Davis, Manager of American Freight, and Mr. Bill Mullis, representing Sentry Security Services, Inc. were present. Mr. Davis stated that his business has suffered from two break-ins within the past year and he felt that this fence would deter someone from entering the property. Mr. Davis went on to say that one of his drivers had discovered the second break-in while it was still in progress and called the police. Mr. Davis stated that someone had cut a hole in the back of the fence and pulled a stolen cube van on the property. Mr. Davis also said that Sergeant Zimmerman of the Troy Police Department had informed him that this van was stolen from a company in Kalamazoo, and the police believe that trucking companies have been targeted.

Mr. Mullis informed the Board that this system was being installed inside the existing fence line. Mr. Mullis went on to say that it is a 12-volt system, and since it is installed inside the existing perimeter fence there is no exposure to the general public. Mr. Mullis also said that there is a built-in alarm system and when the power is off for three seconds an alarm will go off and alert the company to the possibility of a break-in. Mr. Mullis pointed out that this property is located on a dead end street and that there is a buffer zone of grass and open fields on one side and the back of a small strip mall on the other. Mr. Mullis also said that there are posted signs every 50' which would warn people that there is an electrically charged fence.

**ITEM #3**

Mr. Need asked how close this fence would be to the existing fence and Mr. Mullis stated that it is installed within 6" of the existing fence. Mr. Mullis also said that the existing fence is 6' high with 3 strands of barbed wire at the top. Mr. Need then asked how the gate would be protected and Mr. Mullis stated that authorized personnel would have a code, which would deactivate the fence. Mr. Mullis went on to say that they do not have any false alarms with this system.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Chief Nelson asked if the petitioner had met with the Crime Prevention Bureau to determine if there were other options available. Mr. Davis stated that he had only spoken with Sergeant Zimmerman. Chief Nelson expressed concerns over safety issues regarding his personnel, if they were to be involved with fighting a fire in this location. Mr. Mullis assured him that he would be willing to work with him and if necessary provide a kill switch that the Fire Department would have access to.

Motion by Need  
Supported by Nelson

MOVED, to postpone the request of American Freight, 205 Park, for relief of Chapter 83 to install an electrically charged fence until the next regularly scheduled meeting of December 5, 2001.

- To allow the petitioner the opportunity to contact the Crime Prevention Bureau to determine if there are other alternatives available.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL MEETING OF DECEMBER 5, 2001  
CARRIED

**ITEM #4 – VARIANCE REQUEST. ALLIED SIGNS, INC., REPRESENTING BAHAMA BREEZE, 539 E. BIG BEAVER,** for relief of Chapter 78 to install a wall sign, 60.4 square feet in size at 539 E. Big Beaver.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a wall sign 60.4 square feet in size. Section 9.02.03, D of the Sign Ordinance limits the size of a tenant wall sign to 20 square feet in size. The proposed sign exceeds the size of wall sign allowed.

**ITEM #4**

Mr. Jack Degargne, of Bahama Breeze and Mr. Bill Macrum, of Chandler Signs were present. Mr. Macrum stated that this sign is a registered trademark of Bahama Breeze and that since the sign consists of both upper and lower case letters, only three of the letters in the sign would exceed 15". Mr. Macrum went on to say that the size of the sign is limited due to the fact that the restaurant is attached to an office building. Mr. Dziurman asked what size of sign would be allowed if this were a free-standing building and Mr. Stimac stated that a wall sign could be 10% of the front face of the building, and in this case a 60.4 square foot size would be allowed however in this zoning district free standing restaurants are not permitted.

Mr. Dziurman then asked if this was neon sign and when it would be lit. Mr. Macrum stated it was a neon sign and would be put on a time clock. Mr. Degargne stated that the sign would remain on during the hours of operation.

The Chairman opened the Public Hearing.

Ms. Sandra Predium, 440 Hartland was present and stated that she objected to this variance. Ms. Predium went on to say that since the construction of this building began, she and her neighbors have had a great many problems with this development. Ms. Predium also said that she is very concerned about the noise from the restaurant and also was worried about the lights shining into her home. Ms. Predium indicated that she had attended the Liquor License meeting and at that time, Bahama Breeze had promised the residents that they would install extra trees in order to help keep the noise and light levels down. Ms. Predium stated that she has written them many letters, but has not received a response and the trees are still not planted. Ms. Predium also said that Mayor Matt Prior had asked Bahama Breeze to plant extra trees in order to keep the neighbors happy.

Mr. Zuazo asked if Ms. Predium had requested the extra trees to block off the parking lot lights and Ms. Predium stated that it was not only for the lights, but also for the noise. Mr. Degargne stated that he had been to the site, and he thought that the area behind the restaurant was heavily wooded. Ms. Predium stated that there were a number of trees that were removed during the construction and thus feels that the extra plantings are necessary. Ms. Predium also said that that the commitment made by Bahama Breeze could not be put in writing at the Liquor License hearing, but this commitment was made verbally.

Chief Nelson asked if the City had a standard regarding how much light is permitted, and Mr. Stimac stated that it does, and he would have the lighting checked by Building Department personnel to determine that it is compliance with the Ordinance.

Mr. Need stated that he was concerned about the relationship of Bahama Breeze with the neighbors and felt that provisions should be made to make sure that Bahama Breeze honors the commitment they made. Mr. Degargne stated that he has the

**ITEM #4**

authority to state that Bahama Breeze will honor this commitment and he will make sure that these extra trees are planted.

Mr. Joe Perazza, owner of the office building was present and he stated that he can remember that Bahama Breeze had made a commitment to the neighbors to plant the trees and that is was stated at the Liquor License hearing that a Temporary Certificate of Occupancy would not be issued until these trees were planted.

Motion by Kessler  
Supported by Need

MOVED, to grant Allied Signs, Inc., representing Bahama Breeze, 539 E. Big Beaver, relief of Chapter 78 to install a wall sign, 60.4 square feet in size.

- Petitioner will plant between 10 and 15 evergreen trees, 12 to 14 feet tall along the back of the property.
- Petitioner will meet with neighbors and go over landscape designs.
- Building Department personnel will determine that lighting is in compliance with the guidelines in the Ordinance.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:20 A.M.

MS/pp

**PARKS AND RECREATION ADVISORY BOARD**

Minutes of November 8, 2001

Present:            Jeff Stewart, member                    Orestes Kaltsounis, member  
                     Robert O'Brien, member                   Doug Bordas, member  
                     John Goetz, member                               Larry Jose, member  
                     Lucy Lu, member                                   Stuart Alderman, staff  
                     Carol K. Anderson, staff

Absent:            Kathleen Fejes, Gary Hauff, Tom Krent

Chairman Jeff Stewart called the meeting to order at 7:40 p.m.

A motion by Robert O'Brien, supported by Doug Bordas, that the minutes from October 18, 2001 be approved as submitted.

Ayes: All                    Nays: None  
MOTION CARRIED

A motion by John Goetz, supported by Robert O'Brien, that Kathleen Fejes be excused.

Ayes: All                    Nays: None  
MOTION CARRIED

**NEW BUSINESS**

- A. Parks and Recreation Board Ordinance – The composition of the Parks and Recreation Board was discussed. Doug Bordas mentioned section 5.1 and wants to make sure the board receives information at least one month in advance to become familiar with items. Wants to get information from staff, not read in newspapers regarding fees, etc. Consensus was that the members would like to recommend facility fees, Aquatic Center, Sylvan Glen and Community Center. Section 27.1 was discussed. Should be changed now since there are not 10 members needed. Also discussed the number of times a member can be absent before they can be dropped from the board. Rusty Kaltsounis asked for a definition of an "excused" or "unexcused" absence. Discussion of this ordinance will be put on the next monthly meeting agenda.
- B. Park Reservations – Discussed use of parks by residents only. There may be some tax liability if nonresidents are not allowed into parks. Ms. Anderson mentioned that the city's legal department is reviewing this issue. Discussed the free speech issue pertaining to the use of parks. The City can charge nonresidents a different price and also allow residents to sign up first for park activities. Jeff Stewart asked if the doggie wedding could have taken place if the City Manager had approved it (Section 3.8 Animals)? Doug Bordas asked if there had been problems with Section 3.2 (2) – oil, wax in parks. Discussed filming in parks. Mr. Kaltsounis questioned use of soccer fields by nonresidents.

**OLD BUSINESS**

- A. Community Center Fees Update – Fees were approved at the last Council meeting with some adjustments as presented:

- 1) Allow residents age 21 or younger use of half the gym at no cost for three nights a week (up to 12 hours) during the school year and weekends (up to 20 hours) when school is not in session.
- 2) That membership fees for families of four or more be capped at \$450 annually.
- 3) Financial aid policy to reflect discounts of 10%, 25% and 50% to those low, very low and extremely low income level categories respectively.

Board members discussed teens using the gym at no charge. This could cause some problems for staff to monitor. How will staff monitor teens from using other areas? Doug Bordas suggested that a timetable be established to limit play of teens. Keep Board updated if problems occur. Mr. Stewart had a concern that a 21 year old will not mesh with younger teens (14-15 year olds) and that dividing kids may cause little use by some and a lot of use by the better players.

- B. Section 1 Golf Course Update – Ms. Anderson reported that work has not started on the golf course. Developer is awaiting bonding. Still hope to start this fall.
- C. Park Name Submission – One additional request for park naming was received from the Troy Police Officers Association – “Police Memorial Park.” When all parcels are purchased and a decision as to what is to be constructed at each site, the Board will make recommendations.

**Member Comments**

Doug Bordas asked if the Rookery was part of the Parks and Recreation department. It was explained that it is not however; there are 12 acres of land west of the Rookery and fronts Square Lake Rd. that is owned by the City.

John Goetz asked about the status of Section 36. Ms. Anderson stated that the owner is moving out in December. Possession on condemnation goes to court after that.

Larry Jose asked about the status of land in Section 22 and who will be involved in the design of parks? Ms. Anderson explained that the City should have possession of all three parcels before the end of the year. The City will hire a designer and provide them with input as to our needs.

Orestes Kaltsounis mentioned the wet field conditions this fall.

Robert O'Brien wanted to know if any consideration was given for Troy Baseball Boosters request for a four-diamond complex. Nothing has been decided yet. Will look at demographics/needs when the time nears. He also mentioned the condition of Boulan #1



field for Troy Youth Football – wet – and wanted to know if they have requested their own stadium. No mention this year of that request.

### **Staff Reports**

A motion by Larry Jose, supported by John Goetz, that the December meeting be canceled.

Ayes: All                      Nays: None

MOTION CARRIED

Recreation Report – Community Affairs and Parks and Recreation departments are working together to develop a marketing program for the new Community Center. Promotional materials will be mailed to homes in December. Pass sales are scheduled to begin in early January.

Nature Center construction is proceeding. Target date for transition move is January.

Community Center construction is on time and within budget. Many changes are taking place daily as the building is almost fully enclosed with siding and glass.

Applications are being accepted for many positions at the new Community Center. Looking for lifeguards, recreation attendants and fitness personnel.

The winter bulletin will be mailed to Troy residents the week of November 19.

Respectfully submitted,

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Stuart J. Alderman

The Chairman, Christopher Fejes called the meeting to order at 7:30 P.M., on Tuesday, November 20, 2001.

PRESENT: Kenneth Courtney  
Christopher Fejes  
Marcia Gies  
Michael Hutson  
Matthew Kovacs  
Mark Maxwell  
Walter Storrs

Also Present: Mark Stimac  
Bob Davisson  
Pam Pasternak

### **ITEM #1 – APPROVAL OF MINUTES OF MEETING OF OCTOBER 16, 2001**

Motion by Courtney  
Supported by Maxwell

MOVED, to approve the minutes of the meeting of October 16, 2001 as written.

Yeas: 7 – All

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – VARIANCE REQUESTED. EAST LONG LAKE PROPERTIES, L.L.C., 906 E. LONG LAKE**, for relief of the Zoning Ordinance to expand a non-conforming structure and construct an addition to the existing office building at 906 E. Long Lake.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition to the existing office building at 906 E. Long Lake. Based upon the ultimate Right of Way of Long Lake Road in front of this property, the front setback to the existing building is 5.71 feet. Section 30.20.04 requires a 25' minimum front yard setback in the B-1 (Local Business) Zoning District. As such, this existing building is a legal non-conforming structure. The petitioners are proposing to construct an addition on the rear of the structure. Section 40.50.04 prohibits the expansion of legal non-conforming structures.

Mr. Maxwell asked what would happen if the City widens Long Lake Road. Mr. Stimac explained that the future right of way line does not go through the building. Mr. Stimac went on to say that it is not possible to say at this time if the building would have to be removed as part of that purchase. That would depend on the specifications of the right-of-way purchase at the time of the project.

Mr. Hutson asked Mr. Stimac to explain the Mapped right of way. Mr. Stimac stated that the master plan of the City shows basically a 150' right of way. Mr. Stimac went on to say that there are two areas designated as governed by a Mapped Improvement Plan, one of which is at Livernois and Long Lake and the other which is at Rochester and Long Lake. This plan allows for a parcel-by-parcel designation of what the ultimate right

**ITEM #2 – con't.**

of way should be to fit the actual improvements. Mr. Hutson asked if the City had any plans in the near future to acquire additional land. Mr. Stimac stated that he is not aware of any immediate plans for the City to purchase additional property. Mr. Stimac then went on to explain that Section 31.30.00, paragraph R, requires that setback regulations be measured from the ultimate right of way, as shown on the Master Thoroughfare Plan. Mr. Hutson stated that if the proposed building were freestanding, it would comply with the Ordinance, due to the fact that it was out of the required setback.

Mr. Courtney asked if the petitioner were to come in with a request to put up a new freestanding building, if it would meet the lot requirements. Mr. Stimac stated that in the B-1 Zoning District there is no maximum lot coverage. Mr. Stimac went on to say that the controlling factors would be parking and landscaping. Mr. Courtney then asked how high a building could be in the B-1 Zoning District and Mr. Stimac replied that it is limited to one-story.

Mr. Storrs asked if the proposed building was not connected to the main building, if it would comply with the Ordinance. Mr. Stimac stated that the new construction would comply. Mr. Stimac went on to say that because the proposed construction was connected it was considered to be an expansion of a non-conforming building.

Mr. Al Decker, part owner of East Long Lake Properties was present and stated that their hardship is due to the fact that Long Lake was widened and they were put in a position of non-conformance. The existing building was there before Long Lake was widened and feels that the City placed them in this position. Mr. Decker went on to say that he did not know if they would be required to have special firewalls if the buildings were to be separated. Mr. Stimac stated that the construction of the building would not have to be changed if he put up a separate building.

Mr. Fejes asked what type of business this was, and Mr. Decker stated that they are in the Realty Business. Mr. Courtney asked why the petitioner wanted the connector and the petitioner stated that they were trying to make the site more aesthetically pleasing and he also wishes to make the property more desirable to future tenants. Mr. Decker went on to say that they wished to make other improvements in the future, such as changing the brick and adding a canopy. Mr. Stimac explained that the addition of panel brick is not considered an expansion, but if the canopy did not meet the 25' setback, a variance would be required.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Kovacs asked if Mr. Stimac was aware of any plans for the City to acquire additional property on Long Lake for the right-of-way and Mr. Stimac stated that there is no additional expansion that he was aware of planned within the next five years.

**ITEM #2 – con't.**

At this time, the petitioner stated that he wished to withdraw his request. No further action taken by the Board.

**ITEM #3 – VARIANCE REQUESTED. SUSAN IM, 2586 PORTOBELLO,** for relief of the rear yard setback to construct a 3-season patio room.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 3-season patio room at 2586 Portobello. The site plan submitted indicates that the proposed patio room would result with a rear yard setback of 29.7'. Section 30.10.06 of the Zoning Ordinance requires a 35' minimum rear yard setback in the R-1E Zoning District.

Mr. Bill Davis of Champion Window Company was present and stated that he feels that this is a very small lot with a large house, and would like to add a 3-season 12' x 14' patio room, to allow the petitioner to be able to enjoy their back yard free of insects.

Mr. Maxwell asked what the plans were for the existing deck, and Mr. Davis said that they planned to remove the deck and place the patio room in this location. Mr. Davis went on to say that they were going to put in new footings. Mr. Maxwell also questioned the setbacks for the existing deck and Mr. Stimac stated that the Ordinance allows for an uncovered and unenclosed deck to encroach into the rear yard setback up to 15', but not less than 25' from the rear property line.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are three (3) written objections on file.

Motion by Courtney  
Supported by Hutson

MOVED, to deny the request of Susan Im, 2586 Portobello, for relief of the rear yard setback to construct a 3-season patio room.

- Petitioner did not demonstrate a hardship.

Yeas: 6 – Hutson, Maxwell, Storrs, Courtney, Fejes, Gies  
Nays: 1 – Kovacs

**MOTION TO DENY REQUEST CARRIED**

Mr. Hutson stated that Mr. & Mrs. Valente have been clients as well as friends of his for twenty years, and he wished to excuse himself from hearing Item #4.

Motion by Kovacs  
Supported by Storrs

MOVED, to excuse Mr. Hutson from hearing Item #4.

Yeas: 6 – Kovacs, Maxwell, Storrs, Courtney, Fejes, Gies  
Abstain: 1 – Hutson

MOTION TO EXCUSE MR. HUTSON CARRIED.

**ITEM #4 – VARIANCE REQUESTED. TONY & DOREEN VALENTE, 132**

**ASPINWALL**, for relief of the Ordinance to maintain an addition to a detached garage that exceeds the maximum allowable square footage requirement.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to maintain an addition to a detached garage. The application submitted indicates a 480 square foot addition has been built to an existing 1200 square foot detached garage, resulting in a 1680 square foot building. This addition was constructed without first obtaining a building permit. Section 40.57.04 limits the size of all accessory buildings on a parcel of land to 600 square feet or one-half the ground floor area of the main building whichever is greater. The house footprint is 2145 square feet. As such, accessory buildings are limited to 1073 square feet on this site.

Mr. Maxwell questioned Mr. Stimac as to the height of the building, and Mr. Stimac stated that the original structure complied with the height requirements, but he has not seen the plans for the proposed structure and could not say if the height of this addition also complied. Mr. Maxwell expressed concern over the height of the building.

Mr. Courtney asked how the original garage was built to 1200 square feet. Mr. Stimac explained that in 1988 a building permit was submitted for a 1200 square foot garage, and was denied. The plans were then revised to reduce the building size to comply with the Ordinance, however the structure was built to the original larger specification. The Building Department did not notice the discrepancy at the time of final inspection.

Mr. and Mrs. Valente were present and Mr. Valente stated that he likes cars as well as being involved in car shows and car racing. Mr. Valente went on to say that this is a very large lot, and due to the fact that his family owns a large number of vehicles as well as lawn equipment, he needs the extra space for storage. Mr. Valente also said that the addition would not be visible from the road. Mr. Valente further stated that he helps his neighbors and gets along with them.

Mr. Courtney asked how the original building was put up larger than allowed for, and Mr. Valente stated that he had hired someone to do the work and did not know how the building was made larger. Mr. Courtney then went on and asked Mr. Valente about the addition, and Mr. Valente stated that he just started to put it up. Mr. Courtney also asked about a shed on Mr. Valente's property and if it would count for the maximum

**ITEM #4 – con't.**

square footage allowed. Mr. Stimac stated that the Building Department was not aware of the shed, however, the square footage would be considered in the total amount of accessory buildings. Mr. Valente stated that he did not get a building permit for the shed, but if he received his variance request, he would take the shed down.

Mr. Maxwell asked about the height of the pole barn and Mr. Valente stated that he thought it was approximately 15'8". Mr. Fejes asked if Mr. Valente had thought of what he was going to do if his request was denied and Mr. Valente stated that if he had to take it down he would. Mr. Fejes expressed concern over the size of the variance request and Mr. Valente stated that he needed the room to be able to work on his cars and store equipment. Mr. Fejes asked how many vehicles were in the family, and Mr. Valente stated that they owned right around ten (10) cars. Mr. Fejes went on to say that one of the objections brought up the fact that they thought a commercial business was being run out of the garage. Mr. Valente stated that his sons are attending college and have a grass cutting business.

Mr. Maxwell stated that in one of the objections, it was stated that there is a large trailer, and a motor home. Mr. Valente stated that he has a trailer to haul his racecars, a motor home, a van, pickup trucks and a tractor. Mr. Maxwell went on to say that this is a very large lot, and he feels that it can sustain a building of this size. Mr. Maxwell asked if the Valente's would be willing to shield this area from their neighbor and Mrs. Valente stated that they could add shrubbery in the area.

Mr. Kovacs and Mr. Courtney asked Mr. Valente if he was aware that he needed permits for the addition and shed and Mr. Valente stated that he did know.

The Chairman opened the Public Hearing.

Mr. Stefan Karpov, 154 Aspinwall was present and stated he lives next door to the Valente's. Mr. Karpov went on to say that he has had a good relationship with the petitioner, however he is very concerned about the lack of regard the petitioner shows for the laws in the City. Mr. Karpov said that even when Mr. Valente is told that he cannot do something, he goes ahead and does it anyway. Mr. Karpov also stated that in 1988, the neighbors had presented a petition to the City objecting to the size of the garage. Mr. Karpov went on to say that he believes that the people that approve of this request, are the neighbors that cannot see the construction on this site or the large vehicles that are parked next to his lot. Mr. Karpov went on to say that he and his wife have added many improvements to their property and is concerned over the fact that he believes his property value will go down if the Board grants this variance. Mr. Karpov said that they have added trees and shrubs in an attempt to screen Mr. Valente's property from his. Mr. Karpov stated that the buildings on this property look more like a small factory than a garage. Mr. Karpov expressed concern over the height of the building also. Mr. Karpov suggested that if Mr. Valente wants to add on to his garage, or building another building, he should put it on the other side of the lot.

**ITEM #4**

Mr. Courtney asked Mr. Karpov if he realized that this addition was going on the back of the existing garage and Mr. Karpov stated that he did. Mr. Courtney then asked how much of the structure would be visible from Mr. Karpov's property and he stated that all of it was visible. Mr. Karpov again stated that if the petitioner wanted extra storage space he should put it on the other side of the property.

Mr. Maxwell pointed out that if the Board were to deny Mr. Valente's request, he would have to remove the addition and items would then be in plain view. Mr. Maxwell stated that he was hoping there could be some kind of compromise. Mr. Karpov stated that if Mr. Valente needs the extra space, he would prefer he build a building on the other side of the property. Mr. Karpov also asked if the back of the property, would be cleared, or if Mr. Valente would still store his equipment at the back of the property. Mr. Maxwell stated that that was one of the details that would have to be worked out. Mr. Karpov also stated that he wanted Mr. Valente to agree to comply with the Ordinance, but would be willing to work with Mr. Valente. Mr. Karpov also indicated that he wished to contact a Real Estate Company to determine if his property values would be affected.

Mr. Fred Phillips, 6120 Niles was present and stated that his street intersects with Mr. Valente's street, and only sees the front of the house. Mr. Phillips stated that he felt that the size of the recreational vehicles, as well as the trailers and other equipment was understated. Mr. Phillips stated that there is a very large backhoe, landscape trailers that were at least 16' long, and a 35' motor home. Mr. Phillips stated that he is in favor of him adding to his property, but he is very concerned that the variance would go with the property and the possibility of a future owner using it as a business would exist. Mr. Phillips also said that he would rather see construction at the back of the lot than the front of the property.

No one else wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are two (2) written objections on file.

Mr. Kovacs stated that he concerned due to the fact that the petitioner deliberately broke the Ordinance and does not feel that the petitioner had demonstrated any type of hardship.

Mr. Storrs asked the petitioner if he had thought of attaching the additional garage to his home, which would not necessitate a variance. Mr. Valente stated that he had not thought of doing that. Mr. Stimac explained that Mr. Valente could add another two-car garage to the main structure, and would be in compliance with the Ordinance.

**ITEM #4**

MOVED, to postpone the request of Mr. and Mrs. Tony Valente, 132 Aspinwall, for relief of the Ordinance to maintain an addition to a detached garage that exceeds the maximum allowable square footage requirement, until the next regularly scheduled meeting of December 18, 2001.

- Allow the petitioner the opportunity to bring in a proposal for screening.
- Postponing will allow the Building Department to inspect the site and determine the height of the existing building.
- To allow the petitioner the opportunity to work with his neighbor to determine if a viable solution could be met.

Yeas: 4 – Maxwell, Courtney, Fejes, Gies

Nays: 2 – Storrs, Kovacs

Abstain: 1 – Hutson

MOTION TO POSTPONE REQUEST UNTIL MEETING OF DECEMBER 18, 2001  
CARRIED

The Board of Zoning Appeals meeting adjourned at 8:52 P.M.

MS/pp



A meeting of the Troy Charter Revision Committee was held Tuesday, November 20, 2001, at City Hall, 500 W. Big Beaver Road. Assistant City Manager/ Finance and Administration Lamerato called the Meeting to order at 3:00 P.M.

**Roll Call:**      **PRESENT:**              Lillian Barno, Daniel Bliss, Shirley Kanoza, Diane Kasunic, Mark Solomon  
                         **ABSENT:**                      Robert Noce, Cynthia Wilsher  
                         **ALSO PRESENT:**      City Attorney Lori Bluhm, Assistant City Manager/Finance and Administration John M. Lamerato, City Clerk Tonni Bartholomew, Assistant to the City Manager Laura Fitzpatrick

**Appointment of Chairperson and Vice-Chairperson:** Member Bliss appointed as Chairperson and Member Kanoza appointed as Vice-Chairman by unanimous consent.

**Approval of Minutes:** Motion by Kanoza, seconded by Barno, CARRIED UNANIMOUSLY: To approve the Minutes of January 5, 2000 as submitted.

**Excuse Members Noce and Wilsher:** Motion by Kanoza, seconded by Barno, CARRIED UNANIMOUSLY: To excuse members Noce and Wilsher from the meeting of November 20, 2001.

**New Business:**

*Ballot Language – Natural Features:* City Attorney Bluhm briefly reviewed the history of the proposed language. She indicated that January 7, 2002 is the target date for submittal of the language to the City Council for their consideration and possible approval. She noted that the language is not a proposed Charter revision and is before the committee at the request of Council.

The Committee reviewed the proposed ballot language. There was some concern with the language not being impartial. The Committee recommended the removal of the words “preserving” and “improving” and the removal of the words after the word “habitats”.

The Committee indicated that they would like an opportunity to review the back-up materials and consider the item at their next meeting.

City Attorney Bluhm will revise the proposed language and submit it to the Committee for their consideration at their next meeting.

*Compensation of City Council:* City Attorney Bluhm noted that this matter is before the Committee because of a citizen’s concern and not at the request of Council. Member Kanoza noted that the Committee reviewed this in 1999 and did not believe anything has changed since that review. She believes that the Compensation Committee proposal is still the best way to handle this concern. The Committee reviewed the history of the request as well as Councilman Howrylak’s request for consideration of an amendment to the Charter to provide for a provision to prohibit the City Council from adopting a pension plan for elected officials or the Planning Commission. It was noted that the Compensation Committee Charter Revision was placed before the voters in 2000 and the request failed. Per the Home Rule Cities Act,

due to the failure of the proposed Charter Amendment, the request cannot be placed before the voters for a period of two years. The Committee requested a survey of what other cities are paying their elected officials. This item is to be placed on the next agenda for further consideration.

Assistant City Manager Lamerato asked the Committee if they would like additional time to review the compensation issues and consider them at the next meeting. This item will be considered at the next Committee meeting.

*City Election Date:* City Attorney Bluhm reviewed the request. She indicated that there might be State Statutes governing the actual day of the election. City Clerk Bartholomew reviewed proposed Election Consolidation Bills. The Committee indicated they wished to hold off on reviewing while the State Legislature is actively considering the matter.

*Charter Amendment Petitions:* The Committee requested the number of signatures required by State Statute and how it differs from the Charter. This item will be placed on the next agenda for consideration.

*Allow Citizens to Petition for a Voter Review of Ordinances:* The Committee reviewed the request. No action was taken.

*Vacancies in Elected Office:* City Attorney Bluhm stated that this issue came up during the last City Election when Council Member Allemon resigned from his Council seat in order to run for the Office of Mayor. At that time, concern was raised regarding his vacancy and whether Elected Officials should be required to resign whenever they run for an elected office at any level of government. This item will be placed on the next agenda.

*Codification of City Charter:* City Attorney Bluhm noted that the Charter has not had a complete review for many years. She explained the benefits of a complete codification and the possibilities of an elected Charter Revision Commission. The Committee indicated a desire to review the Charter in phases or by sections.

**Other Business:**

*Scheduling of Next Charter Revision Committee Meeting:* The Charter Revision Committee will meet on Tuesday December 4, 2001 at 3:00 PM in Conference Room C.

*Adjournment:* Motion by Kanoza, seconded by Barno, CARRIED UNANIMOUSLY: To adjourn the meeting.

Adjournment: 4:30 PM

---

Daniel Bliss, Chair

---

Tonni L. Bartholomew, City Clerk

Meeting called to order at 7:36 P.M. on Tuesday, November 20, 2001.

PRESENT: Marjorie A. Biglin, Co-Chair  
Kevin Danielson, Chair  
David Eisenbacher  
Paul Lin  
Jacques O. Nixon

STAFF: John M. Skeens, Education Coordinator/Museum

ABSENT (EXCUSED): Dorothy Scott

**ITEM #1 APPROVAL OF MINUTES OF MEETING OF OCTOBER 16, 2001**

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF October 16, 2001 AS WRITTEN. Yes: 5-Yes. Biglin, Danielson, Eisenbacher, Lin, Nixon

**ITEM #2 SELECTION OF ACTING SECRATERY**

David Eisenbacher nominated by Nixon, seconded by Danielson.  
Approved by consent vote. Yes: 5-Yes

**ITEM #3 SELECTION OF NEW CHAIRPERSON**

Kevin Danielson nominated by Nixon, seconded by Eisenbacher.  
Approved by consent vote. Yes: 5-Yes

**ITEM #4 SELECTION OF NEW CO-CHAIRPERSON**

Marjorie Biglin was nominated by Kevin Danielson, seconded by Jacques Nixon.  
Approved by consent vote. Yes: 5-Yes

**ITEM #5 NEW BUSINESS**

- A. Update on Compliance with the Michigan Open Meetings Act.  
Need to update the calendar to indicate that the meeting is on the second Tuesday of each month. Skeens will notify City Clerk.

**ITEM #6 OLD BUSINESS**

- A. **770 West Square Lake Road:** No new news. Construction still in process.  
Tabled
- B. **Cemetery Marker:**  
Motion to use the following statement for the granite stone at the Beach Road cemetery:  
“Cheer Up, we are near the land of promise. See the light ahead, that is the land of promise”...we “came up to our new place, where we have lived ever since, the recipients of manifold blessings, temporal and spiritual” from the recollections of S.V.R. Trowbridge to his wife upon arriving in Troy in 1821.  
Yes: 4-Yes. Eisenbacher, Lin, Biglin, Nixon No: 1-No. Danielson

- C. **Church & Parsonage Update:** Jacques Nixon reviewed the phase two report from Architect Gerald Yurk. Option #3 was selected by the Ad-hoc Church Committee. Paul Lin questioned the viability of moving the church and parsonage based on the number of visitors annually to the museum grounds. The recommendation from the Ad-hoc Church Committee is scheduled to be presented to Troy City Council on December 17. The report was given to Paul Lin to review.

MOVED BY NIXON, SECONDED BY DANIELSON, TO SUPPORT THE AD-HOC CHURCH COMMITTEES RECCOMENDATION TO SUPPORT OPTION NUMBER THREE TO MOVE THE CHURCH AND PARSONAGE TO THE TROY MUSEUM AND HISTORIC VILLAGE. Yes: 4-Yes. Eisenbacher, Danielson, Biglin, Nixon No: 1-No. Lin

- D. **Flyer Program:** John Skeens presented the final draft of the "To Preserve Our Heritage" pamphlet. Tabled for final approval next month.
- E. **Update of Homes on East Long Lake:** John Skeens has been working with the Troy Building Department, Oakland County Road Commission to make sure that the homes on Long Lake will not be adversely affected during the widening of Long Lake. Concern is to protect the grounds which John has been working to insure. The goals for the construction are no ditches, save as much old growth as possible, and no structural changes. All have been agreed upon by all parties involved with the project.
- F. **Krell Park:** The Ad-hoc Church Committee supports the use of the Church and Parsonage property as a park.
- G. **Yamasaki Designation:** The Historic District Commission would like to designate the site as historic. The goal is to proceed with a State Historic Marker. Paul Lin is to do the site research for the significance and propose language for the marker.

#### **ITEM #7 OTHER**

None.

The Troy Historical Commission meeting adjourned at 9:39 P.M.

The next regular meeting is scheduled on Tuesday, December 18, 2001 at 7:30 PM at the Troy City Hall in conference room C.

Sincerely

John M Skeens  
Education Coordinator/Museum

**TROY DAZE MINUTES  
NOVEMBER 27, 2001**

**Called to order** at 7:33PM by Bob Berk

Present:	Bob Berk	Cheryl Whitton-Kaszubski
	Jim Cyrulewski	Sue Bishop

Excused Absence:	Eldon Thompson	Cele Dilley
	Dick Tharp	Bill Hall
	Kessie Kaltsounis	

The meeting was cancelled due to lack of a quorum.

## **DRAFT**

The Traffic Committee meeting was called to order at 7:30 p.m. in the Lower Level Conference Room at Troy City Hall on November 28, 2001 by Jan Hubbell.

PRESENT: John Diefenbaker  
Ted Halsey  
Jan Hubbell  
Richard Kilmer  
Michael Palchesko

ABSENT: Eric Grinnell  
Charles Solis

Also present: Lt. Robert Rossman, Troy Police Department  
Lt. Robert Matlick, Troy Fire Department  
John Abraham, Traffic Engineer  
and

Item 4 Angus W. McHay, 554 Colebrook  
Pam and Mike Brady, 576 Trombley

Item 5 Joshua Maxon, 2098 Mary Anne Drive  
Sonya Rowe, 1341 Dorre Drive  
Billie Baker, 2310 Rochester Ct.  
Pamela Jones, 2315 Rochester Ct.  
Ed & Denise Jonas, 2305 Rochester Ct.  
Angela, James, Daniel and Nicole Deel, 1308 Elaine  
Samantha & Stephen Rowe, 1341 Dorre  
Bruce Caldwell, 2084 Pauline  
Floyd & Lori Hornbacker, 1139 Birchwood

### **2. Minutes – October 17, 2001**

Motion by Diefenbaker  
Supported by Palchesko

To approve the October 17, 2001 minutes as printed.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

### **3. Visitors' Time - (Items not on the Agenda)**

No one appeared to address any items not on the agenda.

**Motion to Excuse**

Motion by Palchesko  
Supported by Kilmer

To excuse Mr. Grinnell and Mr. Solis.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

**4. Install 4-way STOP signs at the intersection of Trombley and Ellenboro**

Ms. Susan Jones, 3458 Talbot requests 4-way STOP signs at the intersection of Trombley and Ellenboro. Ms. Jones indicated that she was involved in a crash at the intersection where the other vehicle failed to yield right of way. Ms. Jones mentioned this intersection is also used by kids walking to the Wattles Elementary School at the end of Ellenboro and that Trombley carries a large amount of traffic since a lot of motorists cut through the neighborhood at high speeds.

If stop signs were to be installed at Trombley and Ellenboro, a multi-way STOP would be created. Installation of a multi-way STOP would be warranted under one of the following conditions:

- a. Where traffic signals are warranted and urgently needed, the multi-way STOP is an interim measure that can be installed quickly to control traffic while arrangements are being made for traffic signal installation.
- b. An accident problem as indicated by five or more reported accidents of the type susceptible of correction by a multi-way STOP during a 12-month period. Such accidents include right and left turn collisions.
- c. Minimum Traffic Volume – The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any eight hours of an average day.

The intersection of Trombley and Ellenboro is YIELD controlled with YIELD signs on Ellenboro. Field observations indicate no significant sight obstructions at the intersection. There is a marked crosswalk to cross Trombley on the east side of the intersection to get to the school. There are pavement markings and a crosswalk sign for eastbound traffic. The crosswalk sign for westbound traffic on Trombley seems to be missing and will be replaced soon. Field observations indicate that during school arrival time there were three school kids that crossed Trombley, and a school safety patrol kid helped the others in crossing. The average speed of

vehicles on Trombley was 28.9 mph with one vehicle recorded at 37 mph. Vehicles also slowed down considerably as they approached Ellenboro. There were enough gaps of adequate length for pedestrians to cross Trombley between 8:10 and 8:50 a.m. (school starts at 8:35 a.m.). Traffic volume studies indicated around 825 vehicles per day on Trombley and 870 vehicles per day on Ellenboro. Over the past few years, traffic volume on Trombley has lessened—the count in 1994 was around 1500 vehicles per day. A traffic crash analysis performed for the time period 1996-2000 (5 years) indicates 2 crashes, one in 1996, which was a broadside crash, and one in 1999, which involved a vehicle losing control on the icy roadway. The traffic volumes and the traffic crash experience do not warrant 4-way STOP signs at the intersection.

Pam Brady, 576 Trombley, doesn't think STOP signs are warranted.

Mike Brady is also against the proposal. He feels that STOP signs could possibly eliminate some accidents, but could cause other problems such as motorists speeding up after the STOP signs to make up for lost time.

Angus McHay, 554 Colebrook, crosses at that intersection several times a week, and hasn't seen any problems.

Motion by Halsey  
Supported by Kilmer

To recommend no changes.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

**5. Install Traffic Signal at Rochester Court and Rochester Road to Aid Pedestrians**

The Lane Family, 1049 Kelley, requests that a traffic signal be installed at the intersection of Rochester Court and Rochester Road. An E-mail with the request is attached herewith. The request is in response to a pedestrian crash at the intersection involving a kid crossing Rochester Road near Rochester Court to catch up with his friends on the other side of the roadway. Following are some reasons quoted in the E-mail:

- a. It's too dangerous to cross Rochester near the curve.
- b. There have been too many car accidents at this intersection.
- c. The cars take the curve at high speeds.



- d. They ignore the speed limit.
- e. Residents on the east side of Rochester Road are forced to cross here to get to Morse Elementary School and the park.
- f. Kids should be allowed to go to their school and the park safely.

In response to the E-mail from the Lane Family, a traffic signal warrant study was performed to find if the requirements for a traffic signal (also called warrants) as prescribed in the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) are met for this intersection.

A traffic crash analysis indicates that there were 6 reported crashes in the past 3½ years at the intersection. There were two injury crashes and four property damage crashes. Out of the 6 crashes in the past 3½ years, four of them might have been prevented if there had been a traffic signal at the location. A traffic signal would be warranted as per the MMUTCD if there were a traffic crash problem as indicated by five or more reported crashes of the type susceptible to correction by a traffic signal in a 12-month period. Such traffic crashes include right and left turn collisions as well as right-angle collisions.

Speed studies conducted in this area indicate an average speed of 38.1 mph and 85<sup>th</sup> percentile of 44.5 mph. The posted speed limit on Rochester Road is 35 mph. In the afternoon, the average speed was 28.9 mph and the 85<sup>th</sup> percentile 45 mph. This would indicate a more than average number of motorists driving at speeds higher than the posted speed limit. Ideally the 85<sup>th</sup> percentile speed should be within 5 mph of the posted speed limit. Field observations during school arrival and dismissal times showed no pedestrians crossing Rochester Road. Further, the Troy School District indicated that all kids who live on the east side of Rochester are transported to Morse Elementary School. There may be pedestrians during the evening hours going to the park or going to school for after-hour activities. A gap study indicated that during the observation period there were gaps in traffic to cross Rochester, however, with a wait time involved.

A traffic volume study indicates that the average daily traffic on Rochester Road is around 16,000 vehicles per day and on Rochester Court around 6,000 vehicles per day. The major traffic volume warrants as prescribed by the MMUTCD are not met for this intersection.

The site geometrics show that the intersection itself is on a curve. Traffic signals are normally not installed on curves due to sight distance and other safety concerns.

Billy Baker, 2310 Rochester Court, said there is no place for pedestrians to cross Rochester Road safely.

Floyd Hornbacker, 1139 Birchwood, says this request is long overdue. He has noticed that many motorists speed through this area and drift across the centerline around the curve. He said field observations of pedestrian traffic would be more accurate if done in the summertime when many more kids are trying to get to the playground.

Denise Jonas, 2305 Rochester Ct., said it is very difficult to turn left onto Rochester Court, and kids on the east side can't safely get to the park and school.

Ed Jonas, 2305 Rochester Ct., said there have been many crashes when drivers lose control and veer off the road into yards. No one is safe being in the front yards of homes on Rochester Road.

Pamela Jones, 2315 Rochester Ct., said her driveway is often blocked by traffic from the apartments, which stacks up on Rochester Court. She is concerned that even if a light is installed drivers will cut through the Red Roof Inn parking lot.

Sonya Rowe, 1341 Dorre Dr., is especially concerned because her son was the victim of a crash near this intersection. He was badly hurt when hit while trying to cross Rochester Road at 3:45 in the afternoon.

Lt. Rossman agrees that this is a bad intersection. He was at the scene of the Rowe accident. He pointed out that pedestrians don't even have a place to cross at Rochester Road and Stephenson. The nearest place with a traffic signal is the Maple Road intersection.

Mike Brady, 576 Trombley, said it could be difficult for drivers to see the light as they approach on the curve. The blind curve is similar to the one on Coolidge Highway in Royal Oak, near Beaumont Hospital. At that location there is a warning light before the curve that flashes when the light ahead is red, warning motorists to slow down in time.

Dr. Abraham suggests consulting with the Engineering Department and holding a study session to consider improvements at the intersection. He asked for volunteers from the group of concerned citizens to participate in the planning process.

Jan Hubbell said that the City should proceed with great care, not haphazardly, lest more problems be created. She approves of Dr. Abraham's suggestion to consult with engineers and citizens.

Floyd Hornbacker, 1139 Birchwood, would prefer not to take the time to consider redesigning the intersection. He wants a signal put in, staggered if necessary, as soon as possible.

Motion by Kilmer

Supported by Diefenbaker

To recommend a detailed engineering study of the Rochester Road-Rochester Court intersection, and reconsideration of the issue at the March 2002 Traffic Committee meeting.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

**6. Install STOP/YIELD Sign on Orpington at Cedar Crest**

Ms. Cheryl Brunette of 2457 Orpington reported that she has seen a number of near-miss crashes at the intersection of Orpington and Cedar Crest. Orpington was a dead-end street, which was recently opened at the east end to Cedar Crest Street, which further connects to the older subdivisions to the north. Traffic volume studies indicate around 318 vehicles per day on Cedar Crest north of Orpington and around 435 vehicles on Orpington west of Cedar Crest. There have been no reported crashes at this intersection since the intersection was opened. These traffic volumes lie in the lower range of residential traffic volumes in Troy that range between 300-5000 vehicles per day.

At "T" intersections, normally the through movement (Cedar Crest) has the right-of-way while the terminal leg (Orpington) has to yield right-of-way in the absence of traffic control devices. Ms. Brunette requests some traffic control so that motorists approaching the intersection know who has the right-of-way.

No one attended the meeting to address this issue.

Motion by Halsey

Supported by Diefenbaker

To recommend no changes.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

**7. Install Fire Lanes on Larchwood East of John R**

Lt. Matlick of the Fire Department requests installation of fire lane signs on Larchwood east of John R. This is a very small street that runs east off John R road and has presented parking concerns on several occasions. Lt. Matlick requests fire lane designation for this street to facilitate safer and easier access to fire and EMS equipment.

Information has come to light that this street was vacated on August 6, 1990; therefore, it is private property. The City has no authority to post NO PARKING signs, but can designate fire lanes to permit access by emergency vehicles. Lt. Matlick recommends that, at a minimum, the north side and the east end should be kept clear for fire trucks. The City Law Department is researching this issue.

Motion by Kilmer  
Supported by Palchesko

To recommend that this issue be tabled until the February 2002 meeting to allow the Committee to consider the recommendations of the Law Department.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

**8. Other Business**

Motion by Kilmer  
Supported by Halsey

To cancel the December meeting. The next meeting will be scheduled for January 16, 2001.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

**9. Adjourn**

The meeting was adjourned at 8:37 p.m.



CVTSight  
SnapShot

Enter Map Title  
Enter Map Description

**Map Legend:**

	BOUNDARY LINE
	MAJOR ROADS
	I-75
	ROAD NAMES
	PARCEL



**Map Scale: 1" = 90'**

Map Date: November 19, 2001

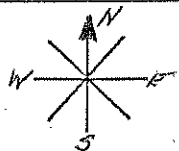
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ITEM 4

## COLLISION DIAGRAM



INDICATE NORTH  
BY ARROW

TROMBLEY

PERIOD: 4 YRS

FROM 11/27/96  
TO 12/1/00

11/27/96  
16:20

11/1/99  
11:15

11/1/99  
19:01

ELLENBORO  
NAME

## SYMBOLS

- ← MOVING VEHICLE  
 ↔ BACKING VEHICLE  
 - - - PEDESTRIAN  
 ▨ PARKED VEHICLE  
 □ FIXED OBJECT  
 ○ INJURY ACCIDENT  
 ● FATAL ACCIDENT

## TYPES OF COLLISIONS

- ←|← REAR END  
 →|→ HEAD ON  
 ↘ SIDE SWIPE  
 ↘ RIGHT ANGLE  
 ↘ LEFT TURN HEAD ON  
 ↘ OUT OF CONTROL

## FOR EACH ACCIDENT SHOW:

1. Date & Time
2. Weather & Road Surface Conditions

TROMBLEY #

ELLENBORO

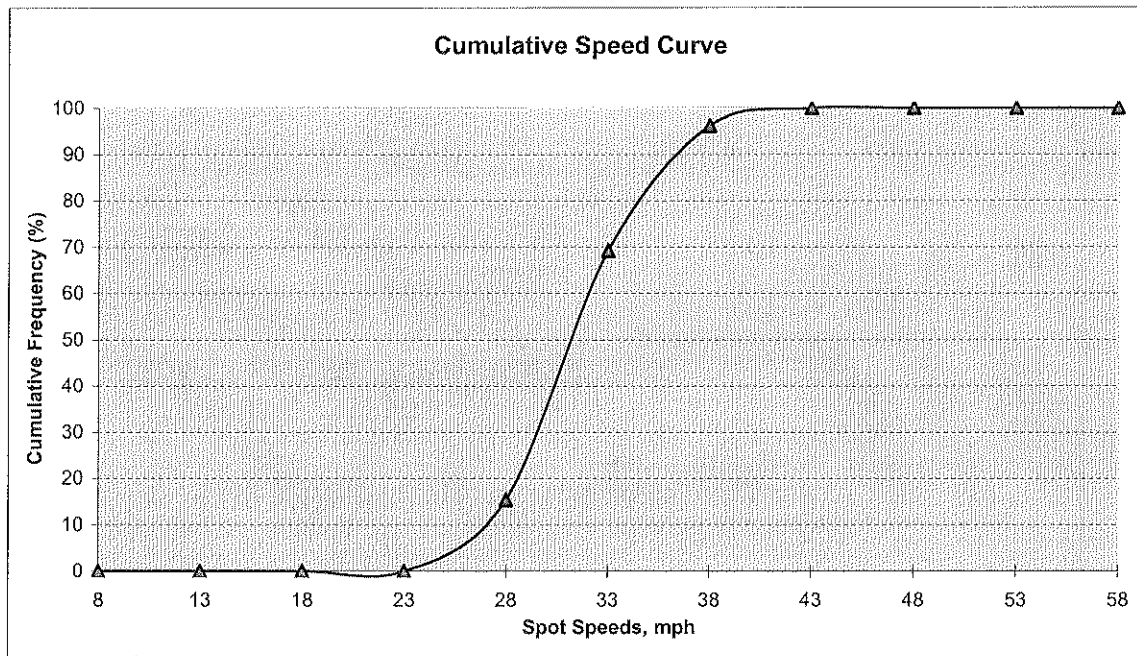
BY: HL

DATE: 10/29/01

**Trombley Near Ellenboro  
Morning**

Speed (mph)		Number of Vehicles Clocked
6 to 10		0
11 to 15		0
16 to 20		0
21 to 25		4
26 to 30		14
31 to 35		7
36 to 40		1
41 to 45		0
46 to 50		0
51 to 55		0
56 to 60		0
Total # vehicles		26

AVERAGE SPEED            28.962    Miles per hour



Max Speed Recorded            37 MPH

ITEM 5**John K Abraham**

**From:** Cynthia A Stewart  
**Sent:** Monday, November 05, 2001 11:28 AM  
**To:** John K Abraham  
**Subject:** FW: How Many more children need to get hit by cars before we get a street light?  
 Did you see this email???

-----Original Message-----

**From:** ZEKELANE@aol.com [mailto:ZEKELANE@aol.com]  
**Sent:** Friday, November 02, 2001 8:15 PM  
**To:** stewartca@ci.troy.mi.us  
**Subject:** How Many more children need to get hit by cars before we get a street light?

To Whom It may Concern:  
 (Maybe the City of Troy Public Works Department)

We live on Kelley Street West of Rochester Road. There was another accident at the end of our street again today. The intersection is Rochester Road @ Kelley & Rochester Ct. **This time it was a CHILD who was hit by a car.** We do not know the details of what happened or how the child is. We are praying for him and his family.

The only thing we know for sure is that he was crossing Rochester Road on his bicycle. **I want to know how many more children must be sacrificed before they do something about making it safe for anyone to cross the street?????**

Today we could not get home. I had to park at the Red Roof in and walk home with my 2 & 5 year old. Getting back across that street to my car, in the dark with two small children after the police block was lifted was a problem because there is not a crossing light there. I hate crossing across Rochester there. Its too dangerous and today's accident was *more* proof than I needed to come to that conclusion. I just hope it is now proof enough for the Troy city public works department to stand up and pay attention.

**There have been too many car accidents at this intersection for us to even count.**

We have seen more than our share of accidents here. I'm sure the Troy police have records. It is time that someone studies them. This time it was a child vs a car instead of a car vs a car. Amazingly, no one on our street is surprised. We are all saddened but, not surprised at all. Everyone knew it was just a matter of time before a child got hit there. How come the planning experts don't get it?? Or why don't they care?? That fast curve with no street light for pedestrian crossing is an accident waiting to happen. If there are several car accidents then would it not make sense that at the same intersection there would eventually be a child involved? Cars are coming off I-75 where they have been clipping along at 65 miles per hour. It can be easy to ignore the speed sign that 25 miles per hour as the sign says. Only a traffic light will slow these people down.

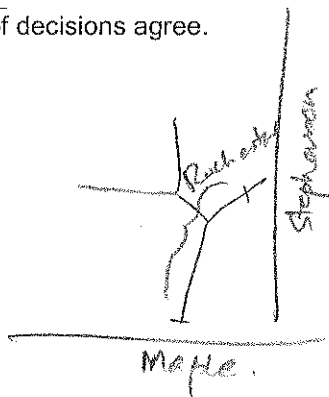
**It is the only place for people who live on this side of Rochester to cross the street to get to the Morse elementary or the park.** I know that it is difficult for adults to cross that street safely while in a car. How can children be expected to cross without a thousand pounds of steel wrapped around them? We need a cross walk with a light to stop the traffic. Kids should be allowed to go to their school and neighborhood park safely.

**SOMETHING NEEDS TO BE DONE TO PREVENT ANY MORE CHILDREN FROM GETTING HIT BY CARS AT THIS CROSSING.**

I just hope the people with the power to make these kind of decisions agree.

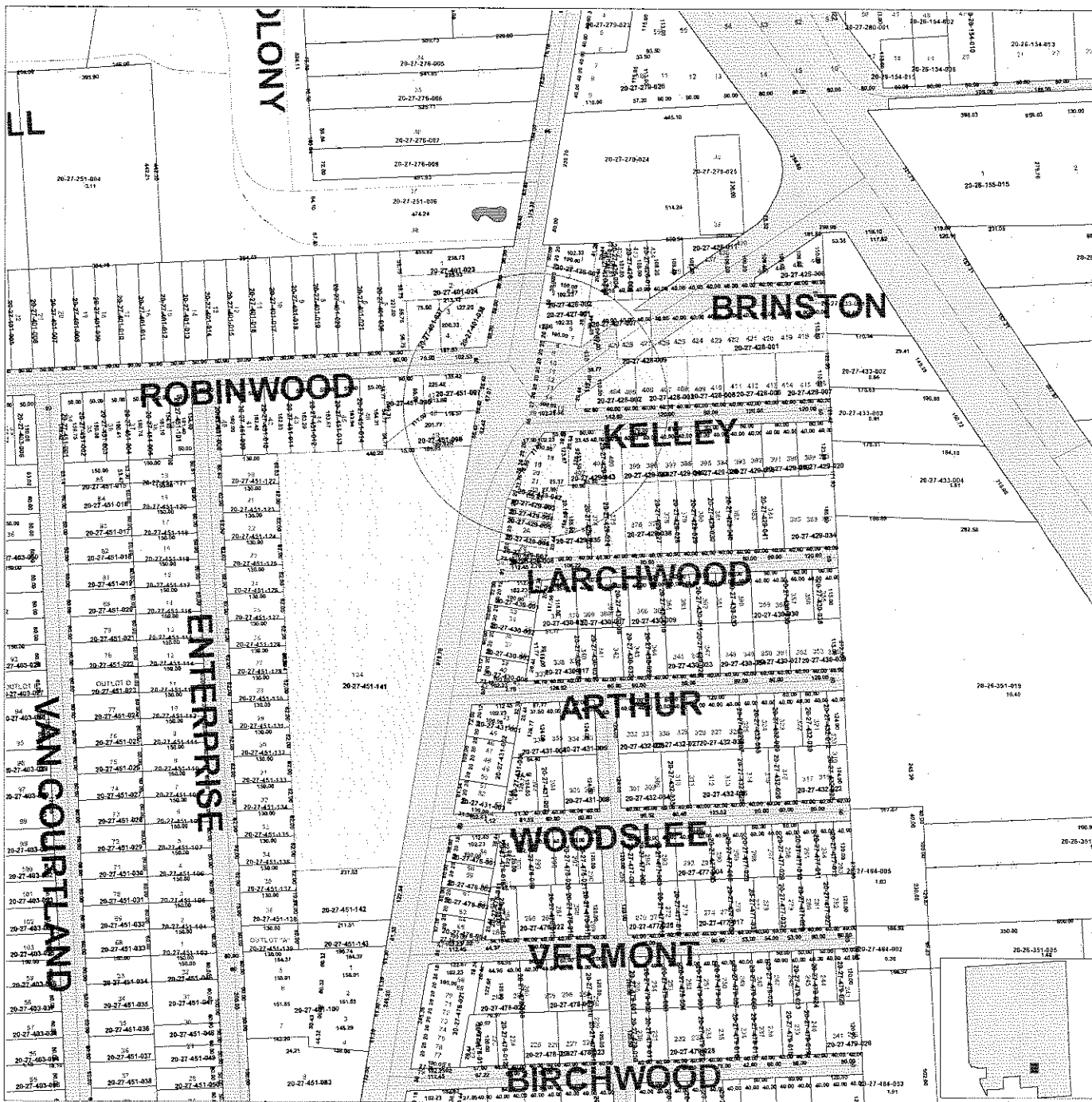
Thank You,

The Lane Family  
 1049 Kelley



11/5/01





CVTSight  
SnapShot

Enter Map Title  
Enter Map Description

### Map Legend:

- BOUNDARY LINE
- MAJOR ROADS
- I-75
- ROADS
- LABEL SIDWELL NUMBER
- LABEL LOT DIMENSIONS
- LABEL LOT ID
- LABEL ROAD NAMES
- LAKES
- PARCEL
- BOUNDARY
- Selected Parcels (29)

Map Scale: 1" = 346'  
Map Date: November 19, 2001  
Data Date: May 2001



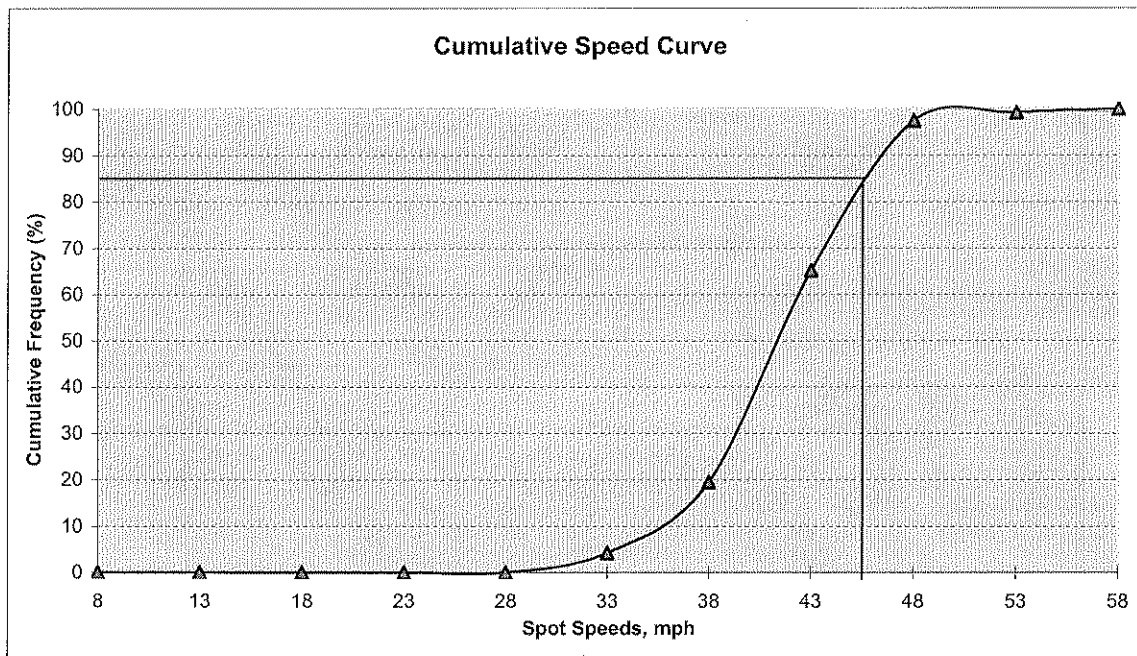
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ITEM 5

Rochester - Near Rochester Ct. curve  
Afternoon

Speed (mph)		Number of Vehicles Clocked
6 to 10		0
11 to 15		0
16 to 20		0
21 to 25		0
26 to 30		5
31 to 35		18
36 to 40		54
41 to 45		38
46 to 50		2
51 to 55		1
56 to 60		0
Total # vehicles		118

AVERAGE SPEED 38.720 Miles per hour

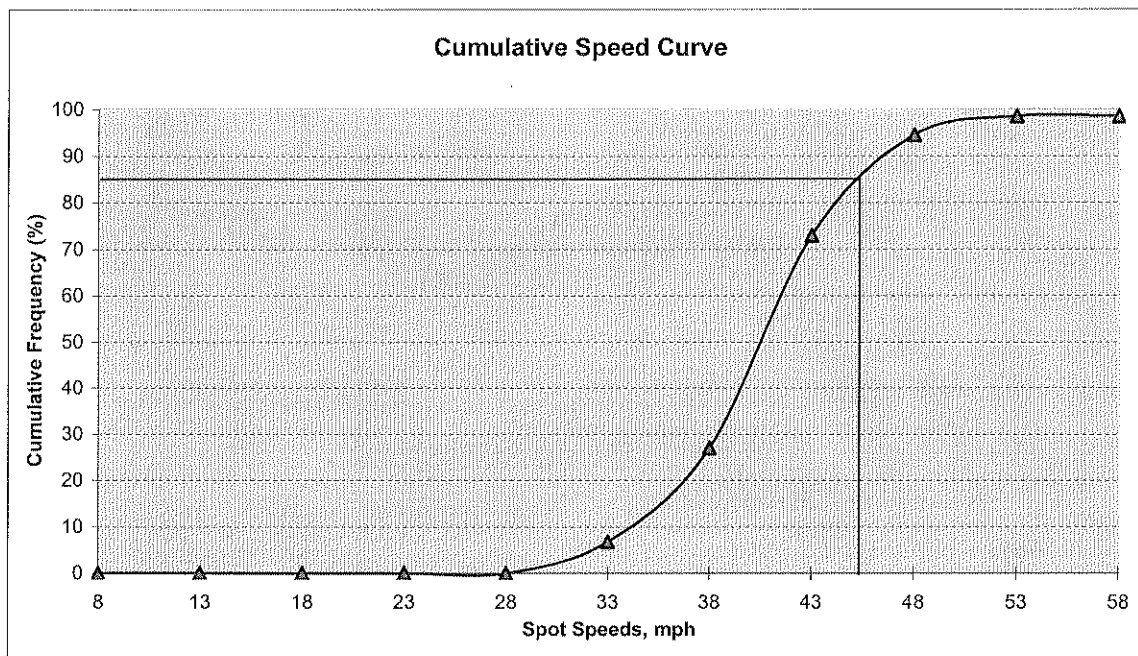


85 PERCENTILE SPEED = 45 MPH  
(85% OF TRAFFIC  
DROVE UNDER 45 MPH)

Rochester - Near Rochester Ct. curve  
Morning

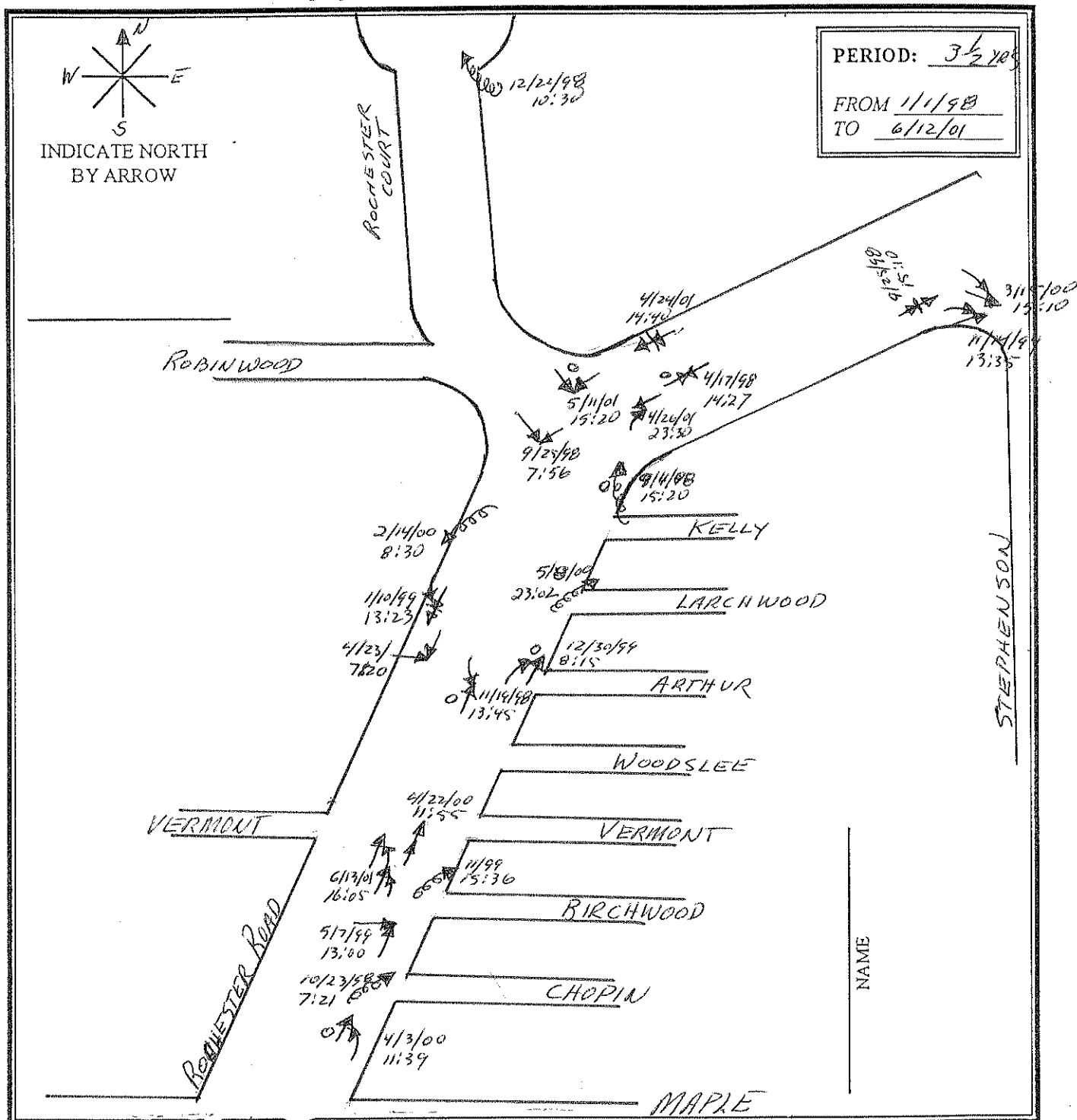
Speed (mph)		Number of Vehicles Clocked
6 to 10		0
11 to 15		0
16 to 20		0
21 to 25		0
26 to 30		5
31 to 35		15
36 to 40		34
41 to 45		16
46 to 50		3
51 to 55		0
56 to 60		1
Total # vehicles		74

AVERAGE SPEED 38.068 Miles per hour

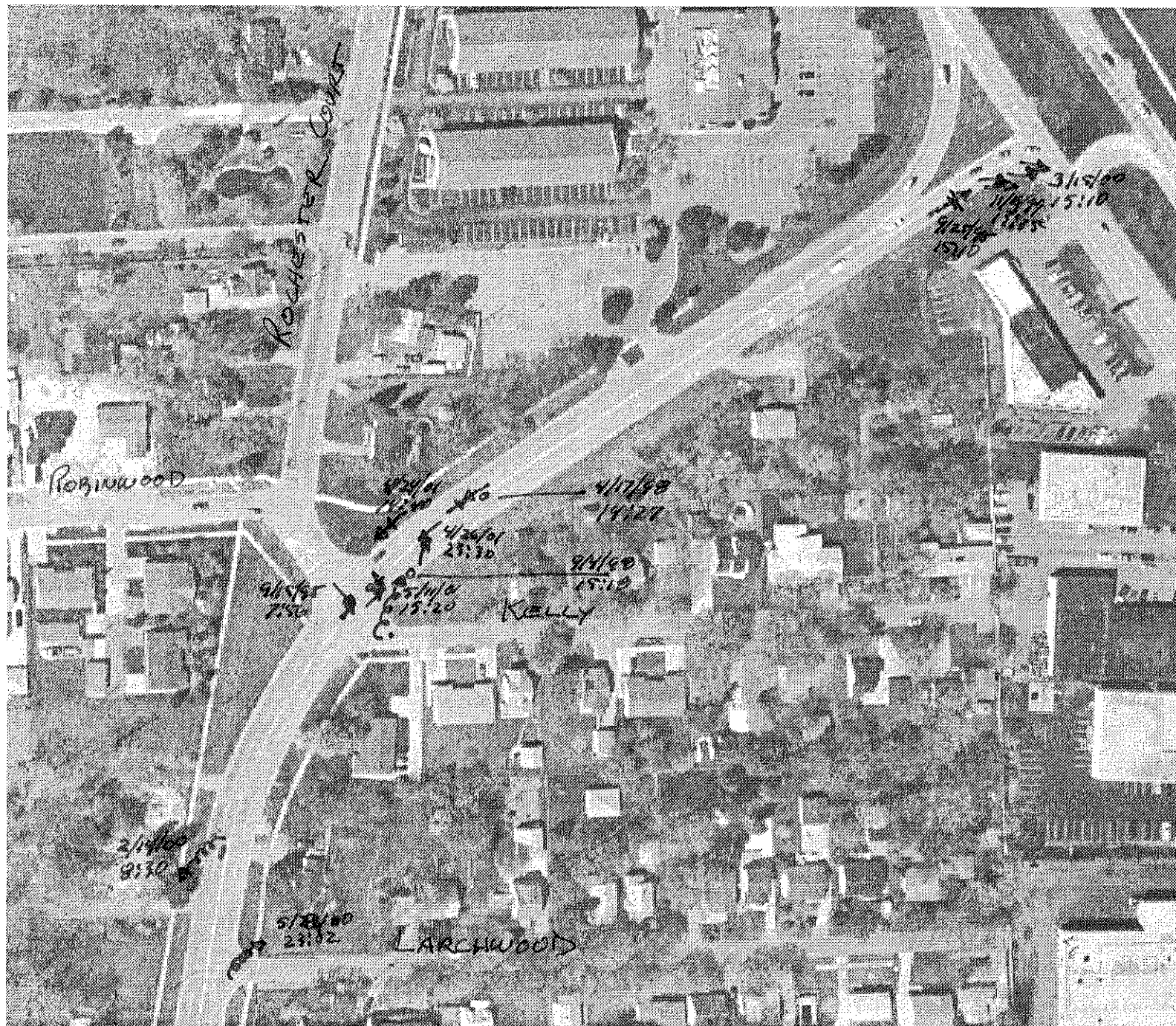


85 PERCENTILE SPEED = 44.5 MPH  
(85% OF TRAFFIC  
DROVE UNDER 44.5 MPH)

## COLLISION DIAGRAM



SYMBOLS	TYPES OF COLLISIONS	FOR EACH ACCIDENT SHOW:
<p>← MOVING VEHICLE</p> <p>↔ BACKING VEHICLE</p> <p>--- PEDESTRIAN</p> <p>▨ PARKED VEHICLE</p> <p>□ FIXED OBJECT</p> <p>○ INJURY ACCIDENT</p> <p>● FATAL ACCIDENT</p>	<p>↔ REAR END</p> <p>→ HEAD ON</p> <p>↘ SIDE SWIPE</p> <p>⊥ RIGHT ANGLE</p> <p>↘ LEFT TURN HEAD ON</p> <p>↘ OUT OF CONTROL</p>	<p>1. Date &amp; Time</p> <p>2. Weather &amp; Road Surface Conditions</p>
		<p><u>ROCHESTER ROAD</u> between</p> <p><u>MAPLES &amp; STEPHENSON</u></p> <p>BY: <u>PH</u> DATE: <u>11/5/01</u></p>







City of  
**Troy**

CVTSight  
SnapShot

Enter Map Title  
Enter Map Description

### Map Legend:

- BOUNDARY LINE
- MAJOR ROADS
- I-75
- ROADS
- LABEL
- SIDWELL NUMBER
- LOT DIMENSIONS
- LOT ID
- ROAD NAMES
- LAKES
- PARCEL
- BOUNDARY
- Selected Parcels (20)



Map Scale: 1" = 425'  
Map Date: November 19, 2001  
Data Date: May 2001



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ITEM 6



CVTSight  
SnapShot

Enter Map Title  
Enter Map Description

Map Legend:

- BOUNDARY LINE
- MAJOR ROADS
- I-75
- LABEL ADDRESS TXT
- LABEL ROAD NAMES
- PARCEL

NO PARKING  
ON  
FIRE LANE  
  
LARCHWOOD



Map Scale: 1" = 108'  
Map Date: October 30, 2001  
Data Date: May 2001



Note: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey and is not intended to be used as one. Users of this data are hereby notified that the information sources mentioned above should be consulted for verification of the information.

ITEM 7



CVTSight  
SnapShot

**Enter Map Title**  
*Enter Map Description*

**Map Legend:**

- BOUNDARY LINE
- MAJOR ROADS
- I-75
- LABEL ROAD NAMES
- PARCEL
- Selected Parcels (14)



**Map Scale:**

Map Date: November 19, 2001

Data Date: May 2001



Note: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey and is not intended to be used as one. Users of this data are hereby notified that the information sources mentioned above should be consulted for verification of the information.

ITEM 7



A meeting of the Troy Charter Revision Committee was held Tuesday, December 4, 2001, at City Hall, 500 W. Big Beaver Road. Assistant City Manager/ Finance and Administration Lamerato called the Meeting to order at 3:00 P.M.

**Roll Call:**      **PRESENT:**              Lillian Barno, Daniel Bliss, Shirley Kanoza, Diane Kasunic,  
Mark Solomon – Late: 3:15 PM, Cynthia Wilsher  
                 **ABSENT:**              Robert Noce  
                 **ALSO PRESENT:**      City Attorney Lori Bluhm, Assistant City Manager/Finance  
and Administration John M. Lamerato, City Clerk Tonni Bartholomew, Assistant  
to the City Manager Laura Fitzpatrick

**Excuse Members Noce and Solomon:** Motion by Kanoza, seconded by Wilsher, CARRIED UNANIMOUSLY: To excuse members Noce and Solomon from the meeting of December 4, 2001.

**Approval of Minutes:** Motion by Barno, seconded by Kanoza, CARRIED UNANIMOUSLY: To approve the Minutes of November 20, 2001 as submitted.

**New Business:**

*Ballot Language – Natural Features:*

City Attorney Bluhm briefly reviewed the proposed ballot language submittals.

The Committee reviewed the proposed ballot language. The committee agreed that the new language was more impartial. Mr. Bliss recommended changing the words “benefits” to “purposes”.

Motion by Wilsher, seconded by Kasunic, CARRIED UNANIMOUSLY: to recommend that ballot wording choice “C” to City Council for their consideration.

*C. Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring property with natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats? (“preserving or improving” is eliminated; property is added)*

*Compensation of City Council: Member*

Kanoza indicated that she does not believe the citizens of Troy want to see a proposed Charter amendment regarding Compensation of any kind and that the Committee should take no action.

Assistant City Manager Lamerato indicated that the request would be to remove the language from the Charter.

Member Solomon stated that he believes that this type of compensation will be the preferred way to compensate in the future and suggested leaving the wording in the Charter. He indicated that the people will let the Council know if they do not wish compensation in the future as they recently did at the last election.

Chairperson Bliss indicted that he preferred to take no action on this item.

Motion by Solomon, seconded by Kanoza, CARRIED UNANIMOUSLY: To recommend to the City Council that they take no action on compensation and leave the Charter as is on this topic.

*City Election Date:*

The Committee briefly discussed changing the Charter regarding the City Election Date and in light of the proposed legislation at State level, it was the consensus of the Committee to leave the City Election date as is.

Motion by Kanoza, seconded by Wilsher, CARRIED UNANIMOUSLY: To recommend to the City Council that they take no action on the City Election date and leave the Charter as is on this topic.

*Charter Amendment Petitions:*

The Committee briefly discussed changing the Charter regarding the number of signatures required for a referendum. The Committee indicated that the Charter should not be changed to reduce the number of signatures required to place an item on the ballot.

Motion by Kanoza, seconded by Barno, CARRIED: To recommend to the City Council that they take no action on the Charter Amendment Petitions and leave the Charter as is on this topic.

Yes: Barno, Bliss, Kanoza, Solomon, Wilsher  
No: Kasunic

*Allow Citizens to Petition for a Voter Review of Ordinances:*

Motion by Kanoza, seconded by Wilsher, CARRIED UNANIMOUSLY: To recommend to the City Council not to propose an Amendment to the Charter that would allow citizens to petition for a voter review of ordinances.

*Vacancies in Elected Office:*

Motion by Wilsher, seconded by Kanoza, CARRIED UNANIMOUSLY: To recommend to the City Council not propose an Amendment to the Charter to change the provisions for Vacancies in Elected Office.

**Other Business:**

*Adjournment:* Motion by Kanoza, seconded by Wilsher, CARRIED UNANIMOUSLY:  
To adjourn the meeting.

Adjournment: 3:54 PM

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Daniel Bliss, Chair

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Tonni L. Bartholomew, City Clerk

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:35 A.M. on Wednesday, December 5, 2001.

PRESENT: Ted Dziurman  
Rick Kessler  
Bill Need  
Rick Sinclair  
Frank Zuazo

ALSO PRESENT: Ginny Norvell  
Pam Pasternak

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 7, 2001.**

Motion by Nelson  
Supported by Zuazo

MOVED, to approve the minutes of the meeting of November 7, 2001 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 - VARIANCE REQUEST. AMERICAN FREIGHT, 205 PARK,** for relief of Chapter 83 to install an electrically charged fence.

Petitioner is requesting relief of the Ordinance to install an electrically charged fence at 205 Park. The site plan submitted indicates the placement of a 10' high electrically charged fence along the boundary lines of this property. Chapter 83, paragraph 3 prohibits the placement of this fence between the building line and Park Street. Chapter 83, paragraph 4, also prohibits the use of an electrically charged fence.

This item first appeared before the Board at the meeting of November 7, 2001 and was postponed to allow the petitioner the opportunity to contact the Crime Prevention Bureau, in order to determine if other options are available.

Dan Davis and Alan Kurzman of American Freight and Bill Mullis of Sentry Security Services, Inc. were present. Alan Kurzman, the Security Manager of American Freight, stated that he had met with Troy Police Officer Jeff Stacey and took him to a company called Yellow Freight so that he could see a similar fence that was already in place. Mr. Kurzman also said that Officer Stacey told him that American Freight had already implemented any safety measures he could recommend.

Chief Nelson stated that he had spoken with Officer Stacey who believes this fence would be an effective deterrent to burglary, but he was also concerned with safety issues for the Police Department and Fire Department. Mr. Kurzman stated that American Freight is more than willing to work with both the Fire and Police Departments to answer any questions and provide any training they might feel would be necessary.

**ITEM #2 – con't.**

Motion by Nelson

Supported by Need

MOVED, to grant American Freight, 205 Park relief of Chapter 83 to install an electrically charged fence with the following stipulations:

- Installation of the fence will be coordinated with the Fire Marshall.
- Training will be provided for both Police and Fire personnel in order to address any concerns they may have.
- Petitioner will set up training dates with Police/Fire Training personnel.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

**ITEM #3 – VARIANCE REQUEST. DAN HEILEMAN, HEILEMAN SIGNS, REPRESENTING ELDER FORD, 777 JOHN R.,** for relief of the Sign Ordinance to replace a non-conforming sign box with a new sign box of equal size.

Ginny Norvell explained that the petitioner is requesting relief of the Chapter 78 to replace an existing non-conforming sign box with a new sign of equal size. The proposed sign is 33 square feet in size and 16 feet tall. Section 9.01, Table B of the Sign Ordinance now requires that a sign of this height be placed at least 20 feet setback from the ultimate right of way, (95 feet from the section line). The proposal is for the sign to remain at approximately 63 feet from the section line. Section 10.02.01 prohibits replacement of a non-conforming sign.

Dan Heileman, of Heileman Signs, was present and stated they wished to replace the existing sign with a new sign. Petitioner also indicated that they have moved the sidewalk to go around the other existing ground sign and will remove two other ground signs that are on the property.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Need

Supported by Kessler

**ITEM #3 – con't.**

MOVED, to grant Dan Heileman, Heileman Signs, representing Elder Ford, 777 John R., relief of the Sign Ordinance to replace a non-conforming sign box with a new sign of equal size.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #4 – VARIANCE REQUEST. ACURA OF TROY, 1828 MAPLELAWN**, for relief of the Sign Ordinance to add two (2) signs at 1828 Maplelawn.

Ms. Norvell explained that the petitioner is requesting relief to add a ground sign, which would be 81.24 square feet, 12 feet in height and setback 10 feet from the right of way. Section 9.02.05, A of the Ordinance requires a sign that is this size and height to be setback 20 feet from the right of way.

Ms. Norvell also explained that the petitioner is also requesting relief of the Ordinance to add a 36 square foot wall sign. Section 9.02.05, B of the Sign Ordinance limits the size of secondary wall signs to 20 square feet.

Mr. Michael Savoie and Keith Studzinski of Acura were present and stated that basically Acura is changing the colors of their signs and wish all dealerships to be consistent. Mr. Savoie explained that wall sign is not illuminated and the new pylon sign is actually lower in height than the existing sign, however, the base is larger. Mr. Savoie also stated that the new pylon sign will be in line with other signs that have been erected on Maplelawn.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Need  
Supported by Zuazo

**ITEM #4 – con't.**

MOVED, to grant Acura of Troy, 1828 Maplelawn, for relief of the Sign Ordinance to add four (4) signs at 1828 Maplelawn.

- Variance is not contrary to public interest.
- Variance will not create a prohibited use in a Zoning District.
- Variance will not have an adverse effect on surrounding property.

Yeas:            All – 5

MOTION TO GRANT REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 8:45 A.M.

GN/pp

December 11, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Doug Smith, Real Estate and Development Director

SUBJECT: Quarterly Development Report for December

As Council was informed late last month, IKEA has withdrawn their interest in the corner of Big Beaver and Rochester Road. It appears that if IKEA has a location in the Detroit metropolitan area, it is most likely to be on the I-275 corridor.

If any of Council has not been over to visit Maple and Coolidge and viewed the progress of the Midtown Square Development, it might be worth the trip. The first phase of the residential units is well under construction, and the urban style condominiums are providing an exciting new entrance for the City from the southwest. A reminder that the City will be working on Maple Road from the intersection of Coolidge back to the border of Birmingham in the 2002 construction season. In addition, you should be aware that the developer, Grand/Sakwa has been working closely with the airport because of the large detention facilities and some water collecting in these have created potential bird problems with airplanes.

Troy continues to open new restaurants to serve our many business and residential customers. In December both the Palm restaurant and Bahama Breeze (located on the north side of Big Beaver east of Kilmer) will open their doors.

Altair Engineering will be opening its building after the first of the year, and as it gets completed Troy has another example of Yamasaki architecture, which will add to the spectacular Big Beaver corridor. Altair is the first owner-occupied building in the new Business and Technology Park that was the former Big Beaver Airport. The property immediately to the west of Altair on Bellingham has been sold and an announcement of the new owner should be coming soon.

Delphi is moving staff into one of its new buildings and will open its third building in early March 2002 to complete their overall campus off of Square Lake and I-75.

Finally, Fire Station #3, at last, has the property to expand with the acquisition of the Walker building that is immediately to the east of the existing Fire Station #3. While the City will have possession of this property in early 2002, with all of the tenants out, the case is a condemnation case and will likely take several months longer to resolve a final price for this property.



Advances were made in the acquisition of Parkland with possession being taken of the fifteen acres east of John R and south of Maple to develop a new park to serve that section and its many residents. In addition, the City has gained possession of one more property for the Livernois park development and with one remaining parcel (which the City should have possession of in early 2002), the planning for that park with access to Talbot, Tromley and Livernois can begin in earnest.

Finally, the new golf course is under way and over the past quarter, the last piece of residential property was purchased and the City closed on the School District property to the south. With the property purchases completed and the environmental studies addressed, earth moving should occur during the winter for the new golf course.

The request for proposal for a market viability and economic feasibility study for the new Conference Center and related elements has been issued to Hospitality Advisors of Ann Arbor. We would expect this study to be returned in early February 2002 for further Council action.

Finally, on an overall economic note, the vacancy rates in Troy, which have been in single digits for several years, have now moved into double digits (11.7%), but we are faring far better than most communities, which are seeing 20% and 30% vacancy rates. The expectation is that the market will remain soft through most of 2002.

DS/pg

DATE: December 3, 2001

TO: John Szerlag, City Manager  
FROM: Mark Stimac, Director of Building & Zoning  
SUBJECT: Permits issued during the Month of November 2001

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
Fnd./Shell New	1	\$490,000.00	\$3,570.00
Completion (New)	1	\$98,000.00	\$668.00
Tenant Completion	1	\$400,000.00	\$2,397.50
Add/Alter	6	\$603,500.00	\$4,252.10
Temp. Office Trailer	1	\$2,000.00	\$41.00
<b>Sub Total</b>	<b>10</b>	<b>\$1,593,500.00</b>	<b>\$10,928.60</b>
<b><u>COMMERCIAL</u></b>			
Fnd./Shell New	1	\$600,000.00	\$5,245.50
Completion (New)	1	\$63,420.00	\$490.50
Tenant Completion	2	\$23,000.00	\$651.25
Add/Alter	16	\$2,476,225.00	\$16,656.20
Kiosk	1	\$0.00	\$25.00
<b>Sub Total</b>	<b>21</b>	<b>\$3,162,645.00</b>	<b>\$23,068.45</b>
<b><u>RESIDENTIAL</u></b>			
New	7	\$1,145,631.00	\$16,281.80
Add/Alter	29	\$507,767.00	\$6,207.50
Garage/Acc. Structure	11	\$122,874.00	\$2,125.00
Pool/Spa/Hot Tub	1	\$20,000.00	\$290.00
Ent. Wall/Masonry Fence	1	\$1,500.00	\$40.00
Repair	2	\$15,400.00	\$270.00
Wreck	2	\$0.00	\$260.00
Fnd./Slab/Footing	1	\$2,000.00	\$40.00
<b>Sub Total</b>	<b>54</b>	<b>\$1,815,172.00</b>	<b>\$25,514.30</b>
<b><u>TOWN HOUSE/CONDO</u></b>			
Add/Alter	3	\$4,970.00	\$185.00
<b>Sub Total</b>	<b>3</b>	<b>\$4,970.00</b>	<b>\$185.00</b>

**RELIGIOUS**

Add/Alter	1	\$50,000.00	\$464.00
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<b>Sub Total</b>	<b>1</b>	<b>\$50,000.00</b>	<b>\$464.00</b>
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**MISCELLANEOUS**

Satellite/Antennas	2	\$31,800.00	\$360.00
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Signs	28	\$0.00	\$2,970.00
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Fences	10	\$0.00	\$84.00
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<b>Sub Total</b>	<b>40</b>	<b>\$31,800.00</b>	<b>\$3,414.00</b>
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<b>TOTAL</b>	<b>129</b>	<b>\$6,658,087.00</b>	<b>\$63,574.35</b>
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**PERMITS ISSUED DURING THE MONTH OF NOVEMBER 2001**

	NO.	PERMIT FEE
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Mul. Dwel. Insp.	32	\$320.00
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Cert. of Occupancy	36	\$1,664.75
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Plan Review	89	\$3,045.60
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Microfilm	33	\$530.00
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Building Permits	129	\$63,574.35
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Electrical Permits	146	\$11,576.00
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Heating Permits	145	\$9,020.00
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Air Condt. Permits	28	\$2,240.00
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Refrigeration Permits	4	\$215.00
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Plumbing Permits	95	\$7,247.00
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Storm Sewer Permits	8	\$237.00
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Sanitary Sewer Permits	3	\$89.00
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Sewer Taps	12	\$3,927.00
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<b>TOTAL</b>	<b>760</b>	<b>\$103,685.70</b>
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**LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF NOVEMBER 2001**

	NO.	LICENSE FEE
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Mech. Contr.-Reg.	45	\$225.00
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Elec. Contr.-Reg.	18	\$240.00
-------------------	----	----------

Master Plmb.-Reg.	16	\$16.00
-------------------	----	---------

Sewer Inst.-Reg.	3	\$150.00
------------------	---	----------

Sign Inst. - Reg.	5	\$50.00
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E. Sign Contr.-Reg.	3	\$45.00
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Bldg. Contr.-Reg.	20	\$200.00
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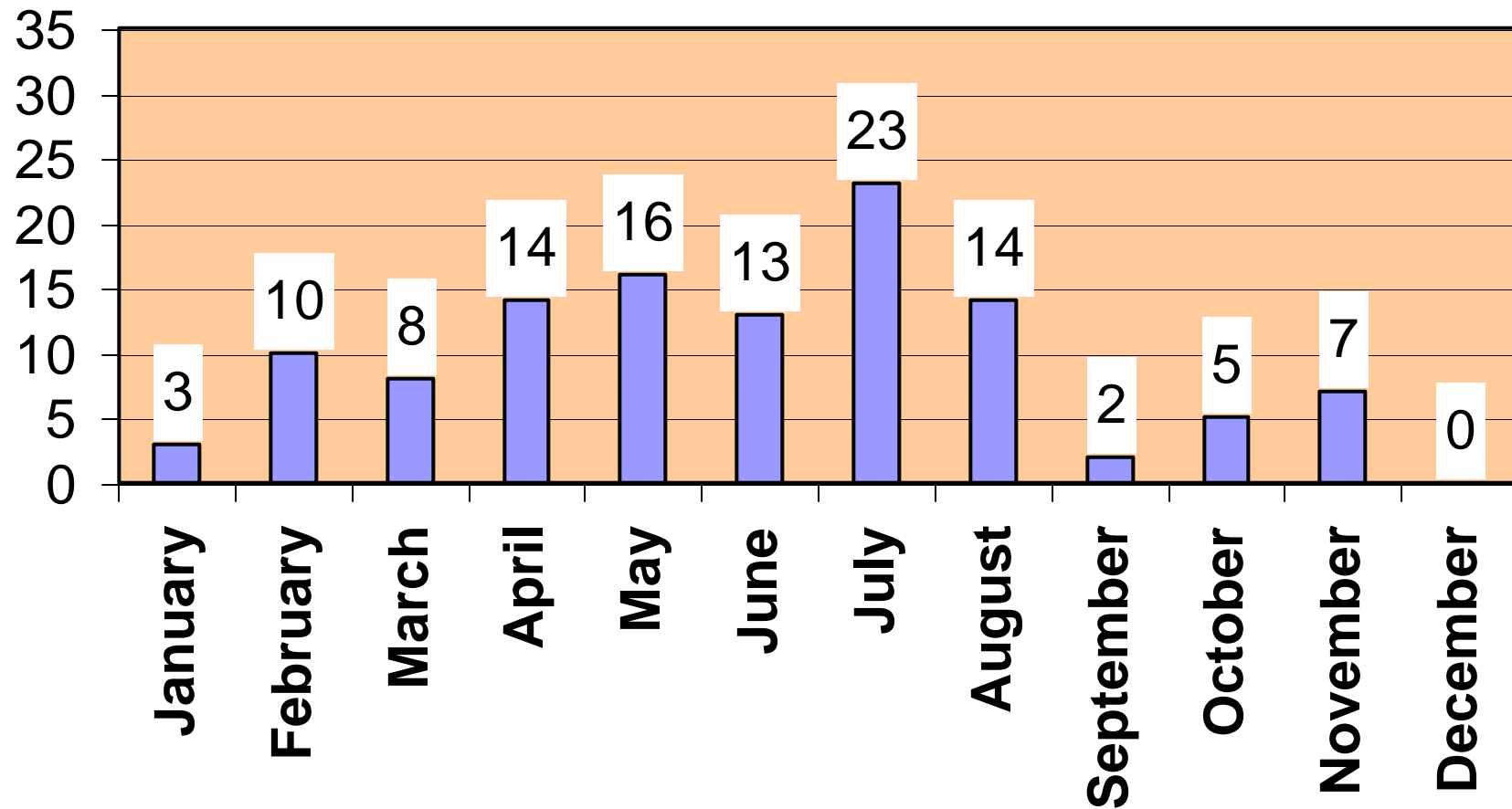
F.Alarm Contr.-Reg.	1	\$15.00
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<b>TOTAL</b>	<b>111</b>	<b>\$941.00</b>
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## BUILDING PERMITS ISSUED

	BUILDING PERMITS 2000	PERMIT VALUATION 2000	BUILDING PERMITS 2001	PERMIT VALUATION 2001
JANUARY	127	\$9,597,140	119	\$9,498,180
FEBRUARY	110	\$18,640,569	100	\$49,679,118
MARCH	191	\$20,582,303	136	\$6,942,449
APRIL	190	\$8,338,850	204	\$19,831,458
MAY	236	\$46,004,432	207	\$26,481,050
JUNE	248	\$23,437,116	196	\$20,081,116
JULY	171	\$10,035,286	236	\$11,804,808
AUGUST	222	\$15,738,038	211	\$10,626,177
SEPTEMBER	159	\$20,948,232	186	\$11,077,729
OCTOBER	165	\$18,737,731	194	\$13,410,222
NOVEMBER	168	\$19,909,483	129	\$6,658,087
DECEMBER	99	\$12,831,351	0	\$0
<b>TOTAL</b>	<b>2086</b>	<b>\$224,800,531</b>	<b>1918</b>	<b>\$186,090,394</b>

## SINGLE FAMILY DWELLING PERMITS 2001



**BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS  
ISSUED DURING THE MONTH OF NOVEMBER 2001**

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	JEFFREY BARTHA	374 W FOURTEEN MILE K	130,000.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	900 TOWER 7TH FL	355,500.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	900 TOWER 6TH FL	355,500.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	900 TOWER 5TH FL	355,500.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	900 TOWER 4TH FL	355,500.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	900 TOWER 3RD FL	355,500.00
Commercial, Add/Alter	SURGICAL CENTERS OF MI LLC	4600 INVESTMENT 270	126,525.00
Commercial, Add/Alter	GLENN JOSEPH	2401 W BIG BEAVER 600	166,800.00
Total Commercial, Add/Alter			2,200,825.00
Commercial, Fnd/Shell New	LORENZO CAVALIERE	1080 KIRTS	600,000.00
Total Commercial, Fnd/Shell New			600,000.00
Industrial, Add/Alter	DAVE DIESON	1300 RANKIN	387,000.00
Total Industrial, Add/Alter			387,000.00
Industrial, Fnd./Shell New	KEVIN C. MONAHAN	1828 MAPLELAWN	490,000.00
Total Industrial, Fnd./Shell New			490,000.00
Industrial, Tenant Completion	GLENN JONES	2600 BELLINGHAM 400	400,000.00
Total Industrial, Tenant Completion			400,000.00
Records 13			Total Valuation: 4,077,825.00

# WRECKING PERMIT MEMO

TO: Nancy Kuha, Solid Waste Department  
Ron Figlan, Planning Department  
Eileen Hazel, Planning Department

FROM: Building Department

SUBJECT: Wrecking Permits Issued During The Month of November 2001

ADDRESS	SIDWELL #	TYPE OF BUILDING DEMOLISHED	PERMIT #	DATE ISSUED
5607 Sussex	07-151-035	House	PB2001-1341	11/28/01
141 Evaline	15-351-018	House	PB2001-1343	11/29/01

**City of Troy**

**Monthly Financial Report**

**November 30, 2001**

G-3b



CITY OF TROY  
Monthly Financial Report  
General Fund  
For the Period Ending November 30, 2001

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
-----					
GENERAL FUND REVENUES					
TAXES	27,295,287	29,375,690	51,495-	29,237,865	99.53
BUSINESS LICENSES & PERMITS	41,256	47,200	1,679	8,113	17.19
NON-BUS. LICENSES & PERMITS	2,006,950	1,546,000	87,001	586,999	37.97
FEDERAL GRANTS	111,937	59,300	3,055	12,500	21.08
STATE AGENCIES	8,366,634	8,047,000	1,536,659	3,040,413	37.78
CONTRIBUTIONS-LOCAL	118,646	95,800	6,038	23,066	24.08
CHARGES FOR SERVICES - FEES	1,146,110	857,700	14,150	165,958	19.35
CHARGES FOR SERVICES - REND.	1,963,118	1,410,000	27,487	245,078	17.38
CHARGES FOR SERVICES - SALES	308,104	139,000	1,606	49,192	35.39
CHARGES FOR SERVICES - REC	1,332,938	1,375,000	27,472	423,974	30.83
FINES & FORFEITS	1,061,310	815,000	78,922	532,273	65.31
INTEREST AND RENTS	1,623,268	1,935,700	113,912	513,364	26.52
OTHER REVENUE	399,843	319,450	1,947	5,770	1.81
OTHER FINANCING SOURCES	7,306,505	9,069,130	4,727,480	5,755,230	63.46
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TOTAL GENERAL FUND REVENUE	53,081,906	55,091,970	6,575,913	40,599,795	73.69
	=====	=====	=====	=====	=====
EXPENDITURES					
LEGISLATIVE	1,518,969	1,761,780	123,633	605,747	34.38
FINANCE	3,685,811	4,358,420	305,822	1,467,359	33.67
OTHER GEN GOVERNMENT	1,894,360	2,069,570	154,538	689,666	33.32
POLICE	18,416,034	19,765,930	1,686,254	7,738,943	39.15
FIRE	2,871,401	3,391,100	626,491	1,296,077	38.22
BUILDING INSPECTION	1,500,807	1,798,400	137,820	658,677	36.63
STREETS	4,356,799	5,117,940	341,202	1,618,632	31.63
ENGINEERING	2,461,572	2,776,130	223,811	1,035,256	37.29
RECREATION	5,347,912	6,905,540	386,203	2,453,378	35.53
LIBRARY	3,499,982	4,227,870	237,241	1,270,903	30.06
TRANSFERS OUT	1,810,000	2,919,290	0	727,000	24.90
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TOTAL GEN FUND EXPENDITURES	47,363,647	55,091,970	4,223,015	19,561,638	35.51
	=====	=====	=====	=====	=====

83500  
FINANCE  
FIN226

CITY OF TROY  
Monthly Financial Report  
Refuse Fund  
For the Period Ending November 30, 2001

1.  
11/01  
08:58:44

REFUSE FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,707,365	3,672,000	0	3,679,011	100.19
CHARGES FOR SERVICES - REND.	624	0	0	156	.00
CHARGES FOR SERVICES - SALES	807	500	57	252	50.40
INTEREST AND RENTS	190,686	116,500	8,528	42,609	36.57
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	3,899,482	3,789,000	8,585	3,722,028	98.23
EXPENDITURES					
CONTRACTORS SERVICE	3,305,048	3,581,670	348,889	1,253,206	34.99
OTHER REFUSE EXPENSE	46,977	49,680	1,562	9,208	18.53
RECYCLING	125,364	157,650	9,857	50,910	32.29
TOTAL EXPENDITURES	3,477,389	3,789,000	360,308	1,313,324	34.66

CITY OF TROY  
Monthly Financial Report  
Capital Fund  
For the Period Ending November 30, 2001

CAPITAL FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	6,512,306	7,300,000	0	7,313,696	100.19
FEDERAL GRANTS	33,168	0	0	0	.00
STATE AGENCIES	233,579	4,132,900	0	105,417	2.55
CHARGES FOR SERVICES - REND.	396,770	152,000	84	6,946	4.57
INTEREST AND RENTS	1,068,537	632,600	82,920	282,648	44.68
OTHER REVENUE	625,335	1,000	28,323	35,778	3577.80
OTHER FINANCING SOURCES	17,028,881	38,396,613	8,462,108	22,696,009	59.11
TOTAL REVENUE	25,898,576	50,615,113	8,573,267	30,440,494	60.14
	=====	=====	=====	=====	=====
EXPENDITURES					
FINANCE	66,908	217,070	0	64,008	29.49
OTHER GEN GOVERNMENT	58,902	555,484	56	5,811	1.05
POLICE	410,668	838,232	426	113,657	13.56
FIRE	266,948	1,145,710	51	463,557	40.46
BUILDING INSPECTION	4,491	20,000	0	900	4.50
STREETS	12,164,310	37,841,985	1,864,175	8,714,895	23.03
ENGINEERING	156,350	114,422	0	4,766	4.17
RECREATION	1,431,412	5,322,050	349,375	1,436,424	26.99
LIBRARY	337,276	694,550	76,467	140,283	20.20
MUSEUM	11,441	862,183	40,044	89,910	10.43
PLANNING	0	37,000	0	0	.00
STORM DRAINS & RET PONDS	30,811	1,119,731	233,764	406,532	36.31
INFORMATION TECHNOLOGY	223,400	1,846,696	0	94,834	5.14
TOTAL EXPENDITURES	15,162,917	50,615,113	2,564,358	11,535,577	22.79
	=====	=====	=====	=====	=====

83500  
FINANCE  
FIN584

CITY OF TROY  
Monthly Financial Report  
Golf Course  
For the Period Ending November 30, 2001

1.  
11/01  
08:59:45

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	44,096	45,000	3,594	21,944	48.76
CHARGES FOR SERVICES - REC	1,124,143	1,220,000	62,789	638,083	52.30
INTEREST AND RENTS	106,702	100,000	12,120	38,548	38.55
OTHER REVENUE	15	500	204	245	49.00
OTHER FINANCING SOURCES	873,820	199,440	178,440	178,440	89.47
TOTAL REVENUE	2,148,776	1,564,940	256,739	876,770	56.03
EXPENDITURES					
SYLVAN GLEN GREENS	852,359	884,890	71,404	388,385	43.89
SYLVAN GLEN PRO SHOP	278,417	389,050	18,358	126,920	32.62
SYLVAN GLEN CAPITAL	960,669	291,000	250,746	352,506	121.14
TOTAL EXPENDITURES	2,091,445	1,564,940	340,508	867,811	55.45



83500  
FINANCE  
FIN587

CITY OF TROY  
Monthly Financial Report  
Aquatic Center  
For the Period Ending November 30, 2001

1.  
11/01  
09:00:00

AQUATIC CENTER FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	346,722	355,000	0	89,665	25.26
INTEREST AND RENTS	28,559	23,600	0	9,208	39.02
OTHER REVENUE	362	0	0	23	.00
TOTAL REVENUE	375,643	378,600	0	98,896	26.12
EXPENDITURES					
AQUATIC CENTER	542,878	555,130	17,099	273,052	49.19
CAPITAL	65,994	70,000	0	24,862	35.52
TOTAL EXPENDITURES	608,872	625,130	17,099	297,914	47.66

83500  
FINANCE  
FIN590

CITY OF TROY  
Monthly Financial Report  
Sewer Fund  
For the Period Ending November 30, 2001

1.  
11/01  
09:00:26

SEWER FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	363,730	325,000	8,727	62,307	19.17
CHARGES FOR SERVICES - REND	6,008,443	7,128,020	895,587	2,390,403	33.54
INTEREST AND RENTS	1,137,391	935,000	43,924	189,083	20.22
OTHER REVENUE	89,093	10,000	0	0	.00
TOTAL REVENUE	7,598,657	8,398,020	948,238	2,641,793	31.46
EXPENDITURES					
ADMINISTRATION	5,993,650	6,863,680	462,733	2,685,277	39.12
MAINTENANCE	1,236,906	1,534,340	28,167	375,928	24.50
CAPITAL	178,461	5,549,020	6,144	8,884	.16
TOTAL EXPENDITURES	7,409,017	13,947,040	497,044	3,070,089	22.01

CITY OF TROY  
Monthly Financial Report  
Water Fund  
For the Period Ending November 30, 2001

WATER FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	1,401,951	596,000	48,255	362,663	60.85
CHARGES FOR SERVICES - SALES	7,096,164	7,810,400	1,060,825	2,808,796	35.96
INTEREST AND RENTS	1,496,943	1,140,000	48,012	218,917	19.20
OTHER REVENUE	66,165	0	0	0	.00
TOTAL REVENUE	10,061,223	9,546,400	1,157,092	3,390,376	35.51
EXPENDITURES					
ADMINISTRATION	6,446,527	7,356,600	655,998	2,460,118	33.44
TRANS AND DISTRIBUTION	150,437	142,770	9,796	27,828	19.49
CUSTOMER INSTALLATION	19,231	97,030	170	170	.18
CONTRACTORS SERVICE	163,823	179,040	11,208	80,180	44.78
MAIN TESTING	109,060	178,210	4,904	40,448	22.70
MAINTENANCE OF MAINS	307,631	301,140	13,385	133,642	44.38
MAINTENANCE OF SERVICES	196,820	212,290	15,322	65,316	30.77
MAINTENANCE OF METERS	156,455	292,900	9,390	58,003	19.80
MAINTENANCE OF HYDRANTS	259,796	305,920	30,505	131,322	42.93
METERS AND TAP-INS	219,789	354,470	13,497	73,377	20.70
WATER METER READING	71,951	74,660	8,066	52,351	70.12
ACCOUNTING AND COLLECTING	51,234	51,370	6,905	32,755	63.76
CAPITAL	7,297,199	9,735,200	261,249	1,419,504	14.58
TOTAL EXPENDITURES	15,449,953	19,281,600	1,040,395	4,575,014	23.73

83500  
FINANCE  
FIN661

CITY OF TROY  
Monthly Financial Report  
Motor Pool

For the Period Ending November 30, 2001

11/01  
09:01:40

MOTOR POOL FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	24,141	2,000	0	3,949	197.45
INTEREST AND RENTS	3,544,243	3,507,000	237,864	1,472,978	42.00
OTHER REVENUE	56,447	262,500	46,757	76,916	29.30
OTHER FINANCING SOURCES	2,113,550	1,275,157	1,064,140	1,064,140	83.45
TOTAL REVENUE	5,738,381	5,046,657	1,348,761	2,617,983	51.88
EXPENDITURES					
ADMINISTRATION	389,832	467,610	44,697	158,233	33.84
OPERATION AND MAINTENANCE	2,486,210	2,692,870	246,107	1,126,883	41.85
DPW FACILITY MAINTENANCE	278,861	339,860	11,090	75,601	22.24
CAPITAL	1,547,608	1,546,317	865	195,121	12.62
TOTAL EXPENDITURES	4,702,511	5,046,657	302,759	1,555,838	30.83



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T-Bills, Commercial Paper, C.D. etc

Ref : INVQY012

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
101	2002	1	14	7	STAND FED	2001	11	14	2.000	CD	1,109,107		1,109,107.74
	2002	4	5	7	REPUBLIC	2001	11	20	2.150	CD	251,013		251,013.84
	2002	5	13	7	HUNT BANK	2001	11	26	2.000	CD	500,777		500,777.36
TOTAL													1,860,898.94
112	2001	12	5	8	SSB	2001	10	12	2.350	ASCEN HLTH	1,012,000		1,008,493.42
	2001	12	5	8	FITB	2001	11	5	2.499	GMAC	3,579,000		3,571,543.75
	2001	12	6	9	ML	2001	7	26	3.470	TBILL	3,458,000		3,414,819.19
	2001	12	13	9	ML	2001	8	2	3.460	TBILL	1,611,000		1,590,942.60
	2001	12	13	8	ML	2001	11	9	2.000	7-11	1,723,000		1,719,745.44
	2001	12	17	7	STAND FED	2001	10	19	2.450	CD	7,347,250		7,347,250.64
	2001	12	20	9	ML	2001	8	9	3.370	TBILL	2,661,000		2,628,656.28
	2001	12	21	7	STAND FED	2001	10	25	2.400	CD	1,002,965		1,002,965.28
	2001	12	27	9	ML	2001	8	16	3.370	TBILL	1,252,000		1,236,782.29
	2001	12	27	7	STAND FED	2001	11	1	2.360	CD	2,007,116		2,007,116.67
	2001	12	28	8	FITB	2001	9	28	3.710	FOUNT SQ	6,445,000		6,404,759.93
	2002	1	3	9	ML	2001	8	23	3.310	TBILL	2,411,000		2,382,229.40
	2002	1	3	7	FITB	2001	10	5	2.250	CD	576,022		576,022.55
	2002	1	3	8	ML	2001	11	21	2.030	GE CAP	2,012,000		2,007,121.46
	2002	1	4	7	STAND FED	2001	11	8	2.250	CD	2,008,302		2,008,302.78
	2002	1	10	9	ML	2001	8	22	3.350	TBILL	2,766,000		2,730,933.00
	2002	1	14	7	STAND FED	2001	11	16	2.050	CD	2,009,658		2,009,658.33
	2002	1	17	9	ML	2001	8	30	3.280	TBILL	2,806,000		2,771,080.89
	2002	1	24	9	ML	2001	9	6	3.320	TBILL	2,944,000		2,944,426.80
	2002	1	25	8	SSB	2001	11	27	2.670	GMAC	1,009,000		1,004,584.78
	2002	1	31	7	COMERICA	2001	9	7	3.380	CD	1,000,000		1,000,000.00
	2002	1	31	9	ML	2001	9	24	2.620	TBILL	3,398,000		3,366,780.88
	2002	2	7	7	COMERICA	2001	9	7	3.380	CD	1,000,000		1,000,000.00
	2002	2	7	9	ML	2001	9	27	2.140	TBILL	2,166,000		2,149,195.45
	2002	2	14	7	STAND FED	2001	9	14	3.300	CD	9,742,460		9,742,460.62
	2002	2	14	9	ML	2002	9	27	2.250	TBILL	2,745,000		2,721,515.00
	2002	2	21	8	FITB	2001	9	7	3.220	FNMA	2,000,000		1,970,962.59
	2002	2	28	8	FITB	2001	9	7	3.230	FHLM	1,000,000		984,835.69
	2002	2	28	7	REPUBLIC	2001	9	20	3.100	CD	1,000,000		1,000,000.00
	2002	2	28	9	ML	2001	9	28	2.270	TBILL	2,111,000		2,091,082.72
	2002	3	1	8	FITB	2001	11	23		WAYNE CNTY	2,000,000		2,000,000.00
	2002	3	1	8	FITB	2001	11	26		WAYNE CNTY	2,870,000		2,870,000.00
	2002	3	4	7	MIDW QUART	2001	9	5	3.350	CD	2,018,788		2,018,788.89
	2002	3	7	8	FITB	2001	9	7	3.230	FNMA	1,000,000		984,235.25
	2002	3	7	9	ML	2001	9	28	2.270	TBILL	2,059,000		2,038,684.53
	2002	3	14	9	ML	2001	10	4	2.170	TBILL	2,068,000		2,048,393.06
	2002	3	18	8	FITB	2001	9	7	3.215	FHLM	2,000,000		1,966,712.93
	2002	3	21	9	ML	2001	10	11	2.190	TBILL	3,566,000		3,531,871.40
	2002	3	28	9	ML	2001	10	18	2.160	TBILL	2,375,000		2,352,588.58
	2002	4	4	9	ML	2001	10	25	2.040	TBILL	2,440,000		2,418,175.56
	2002	4	5	7	REPUBLIC	2001	11	20	2.150	CD	1,098,132		1,098,132.90

7 = CD 8 = Paper 9 = T-Bills

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T-Bills, Commercial Paper, C.D. etc.

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2002	4	11	8	NAT CITY	2001	10	11	2.620	FHLM	2,000,000		2,000,000.00
	2002	4	18	9	ML	2001	11	1	1.920	TBILL	2,428,000		2,406,698.35
	2002	4	25	9	ML	2001	11	8	1.720	TBILL	2,430,000		2,410,835.40
	2002	5	2	9	ML	2001	11	15	1.900	TBILL	2,065,000		2,047,075.80
	2002	5	9	9	ML	2001	11	29	1.790	TBILL	2,041,000		2,024,935.06
	2002	5	13	7	HUNT BANK	2001	11	26	2.000	CD	628,831		628,831.39
	2002	6	30	7	FITB	1998	12	4	1.810	GOVT POOL	589,267		589,267.47
	2002	6	30	7	HUNT BANK	2001	11	20	2.000	LUG	504,326		504,326.38
	2002	11	1	8	FITB	2001	11	1	2.510	FHLB	1,000,000		1,000,000.00
	2003	10	10	8	FITB	2001	10	10	3.400	FHLB	1,000,000		1,000,000.00
	2003	10	29	8	FITB	2001	10	29	3.250	FHLB	1,100,000		1,100,000.00
	2004	3	26	8	FITB	2001	9	27	3.700	FNMA	1,000,000		1,000,000.00
										TOTAL			116,433,821.38
591	2001	12	21	7	STAND FED	2001	9	27	2.560	CD	1,475,656		1,475,656.71
	2001	12	21	7	NATL CITY	2001	11	2	2.000	CD	1,457,631		1,457,631.35
	2002	1	14	7	STAND FED	2001	11	16	2.000	CD	1,109,107		1,109,107.74
	2002	4	5	7	REPUBLIC	2001	11	20	2.150	CD	132,492		132,492.46
	2002	6	30	7	COMERICA	1997	7	1	2.100	GOV'T POOL	1,780,299		1,780,299.67
	2002	6	30	7	HUNT BANK	2001	11	21	2.000	LUG	147,048		147,048.36
										TOTAL			6,102,236.29
688	2001	12	17	7	STAND FED	2001	10	19	2.450	CD	584,837		584,837.68
	2002	1	7	7	STAND FED	2001	11	14	2.100	CD	737,003		737,003.69
	2002	6	30	7	BANK ONE	1997	7	1	3.040	GOV'T POOL	1,258,529		1,258,529.36
										TOTAL			2,580,370.73
701	2002	2	26	7	MIDW GUART	2001	11	28	1.880	CD	511,501		511,501.22
										TOTAL			511,501.22
										TOTAL			127,488,828.56

\* \* \* E N D O F R E P O R T \* \* \*

7 = CD 8 = Paper 9 = T-Bills

CITY OF TROY

**Current Portfolio**

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
<b>Cash and Money Accounts</b>										
1,131	CMA TREASURY FUND		1.00	1,131	1.00	1,131			21	1.87
<b>Government Securities</b>										
3,458,000	U.S. TREASURY BILL ZERO% DEC 06 2001	07/26/01	98.75	3,414,819	99.98	3,457,446	N/A			
1,611,000	U.S. TREASURY BILL ZERO% DEC 13 2001	08/02/01	98.75	1,590,942	99.94	1,610,146	N/A			
2,661,000	U.S. TREASURY BILL ZERO% DEC 20 2001	08/09/01	98.78	2,628,656	99.91	2,658,605	N/A			
1,252,000	U.S. TREASURY BILL ZERO% DEC 27 2001	08/16/01	98.78	1,236,782	99.87	1,250,460	N/A			
2,411,000	U.S. TREASURY BILL ZERO% JAN 03 2002	08/23/01	98.80	2,382,229	99.85	2,407,479	N/A			
2,766,000	U.S. TREASURY BILL ZERO% JAN 10 2002	08/22/01	98.73	2,730,933	99.81	2,760,910	N/A			
2,806,000	U.S. TREASURY BILL ZERO% JAN 17 2002	08/30/01	98.75	2,771,080	99.78	2,799,967	N/A			
2,982,000	U.S. TREASURY BILL ZERO% JAN 24 2002	09/06/01	98.74	2,944,426	99.75	2,974,604	N/A			
3,398,000	U.S. TREASURY BILL ZERO% JAN 31 2002	09/17/01	99.08	3,366,780	99.71	3,388,417	N/A			
2,111,000	U.S. TREASURY BILL ZERO% FEB 28 2002	09/27/01	99.05	2,091,082	99.57	2,102,112	N/A			
2,166,000	U.S. TREASURY BILL ZERO% FEB 07 2002	09/20/01	99.22	2,149,195	99.67	2,159,047	N/A			



PLEASE SEE REVERSE SIDE



CITY OF TROY

**Current Portfolio**

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
<b>Government Securities</b>										
2,745,000	U.S. TREASURY BILL ZERO% FEB 14 2002	09/20/01	99.14	2,721,515	99.64	2,735,255	N/A			
2,059,000	U.S. TREASURY BILL ZERO% MAR 07 2002	09/27/01	99.01	2,038,684	99.53	2,049,487	N/A			
2,068,000	U.S. TREASURY BILL ZERO% MAR 14 2002	10/04/01	99.05	2,048,393	99.50	2,057,722	N/A			
3,566,000	U.S. TREASURY BILL ZERO% MAR 21 2002	10/10/01	99.04	3,531,871	99.46	3,547,064	N/A			
2,375,000	U.S. TREASURY BILL ZERO% MAR 28 2002	10/18/01	99.05	2,352,588	99.44	2,361,723	N/A			
2,440,000	U.S. TREASURY BILL ZERO% APR 04 2002	10/25/01	99.10	2,418,175	99.42	2,425,945	N/A			
2,428,000	U.S. TREASURY BILL ZERO% APR 18 2002	11/01/01	99.12	2,406,698	99.35	2,412,315	N/A			
2,430,000	U.S. TREASURY BILL ZERO% APR 25 2002	11/07/01	99.21	2,410,835	99.32	2,413,500	N/A			
2,065,000	U.S. TREASURY BILL ZERO% MAY 02 2002	11/15/01	99.13	2,047,075	99.27	2,050,028	N/A			
2,041,000	U.S. TREASURY BILL ZERO% MAY 09 2002	11/29/01	99.21	2,024,935	99.23	2,025,427	N/A			
<b>Total Government Securities</b>				<b>51,307,702</b>		<b>51,647,667</b>				

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PLEASE SEE REVERSE SIDE





PRIORITY CLIENT **WCMA** ACCOUNT

CITY OF TROY

**Current Portfolio**

Quantity	Security Description	Symbol	Sector	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Annual Income	Current Yield %
Other											
2,012,000	CP G.E.CAP CRP BE 03OCT01 00.000%03JAN2002			11/21/01	99.75	2,007,121	99.80	2,008,056	N/A		
1,723,000	CP 7-11 INC BE 12OCT01 00.000%13DEC2001			11/09/01	99.81	1,719,745	99.92	1,721,707	N/A		
Total Other						3,726,866		3,729,764			
Total of Long Portfolio						55,035,700		55,378,562	*	21	1.87

\* - Excludes N/A Items

**Monthly Activity**

Date	Transaction	Quantity	Description	Price	Debit	Credit
Security Transactions						
11/01	Redeemed	-2,407,000	U.S. TREASURY BILL ZERO% NOV 01 2001			2,407,000.00
11/01	Purchase	2,428,000	U.S. TREASURY BILL ZERO% APR 18 2002 FACE VALUE 2428000.0000 CASH TRADE PRICE 99.122666	99.122	2,406,698.35	
11/08	Redeemed	-2,408,000	U.S. TREASURY BILL ZERO% NOV 08 2001			2,408,000.00
11/08	Purchase	2,430,000	U.S. TREASURY BILL ZERO% APR 25 2002 FACE VALUE 2430000.0000 PRICE 99.211333	99.211	2,410,835.40	
11/09	Redeemed	-858,000	CP EDISON SEC PPBE 17SEP01 00.000%09NOV2001			858,000.00
11/09	Redeemed	-865,000	CP TOYOTA CR DE PR 28SEP01 00.000%09NOV2001			865,000.00

+ PLEASE SEE REVERSE SIDE



DATE: December 11, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Announcement of Public Hearing  
Request for Commercial Vehicle Appeal  
649 Troywood

On November 13, 2001, information was sent to the residence of Mr. Michael McKenna that identified restrictions related to the commercial vehicles located on residential property. As part of that information, he was advised that the Chevy cube van and Ford dump truck parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicles or appeal to City Council for relief of the Ordinance.

In response to our letter, Mr. McKenna has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of January 7, 2002.

A copy of the application and photo are attached for your reference.

Should you have any questions or require additional information, kindly advise.

COMMERCIAL VEHICLE  
APPEAL APPLICATION

RECEIVED

DEC - 6 2001

Request is hereby made for permission to keep a commercial vehicle(s) as described below on the following residential zoned site:

NAME: Michael McKenna

ADDRESS: 649 Troywood

CITY: Troy MI. ZIP: 48083 PHONE: 248 689-8714

ADDRESS OF SITE: " "

NUMBER OF VEHICLES: 2

VEHICLE IDENTIFICATION NUMBER(S) Dump 1HSHA TVN8 LH 697520

LICENSE PLATE NUMBER(S) not yet / Cube 2GB HG 31M 8F4166669  
cube = 0305 HH

DESCRIPTION OF VEHICLE(S) CUBE VAN , 8yd. Dump Truck

REASON FOR APPEAL (see A - D below) B, C, D

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

Michael McKenna

(signature of applicant)

STATE OF MICHIGAN

COUNTY OF OAKLAND

On this 4<sup>th</sup> day of December, 19 2001 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Valerie Wilson Macomb  
Notary Public, County, Michigan

VALERIE WILSON  
Notary Public, Macomb County, MI  
Acting in OAKLAND Co., MI  
My Commission Expires 11/09/2005

My Commission Expires: 11-09-05



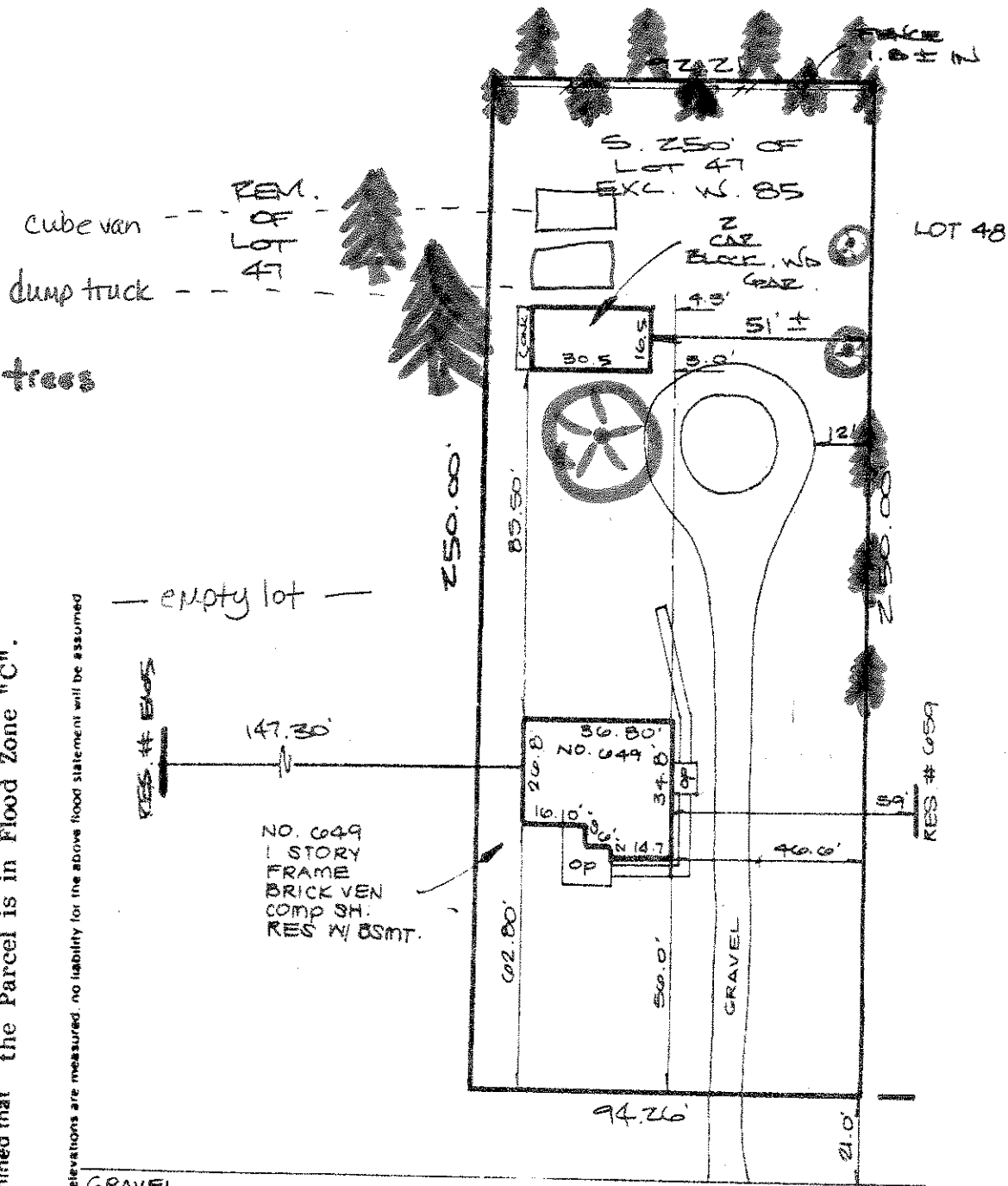
# MORTGAGE CERTIFICATE

CERTIFIED TO ALL TITLE COMPANIES AND TO COMERICA MORTGAGE CORPORATION

APPLICANT: MICHAEL DAVID MCKENNA AND LAURA MARIE GRAMMATICO

## Property Description:

The S. 250 ft. of Lot 47, excluding the W. 85 ft, of NORTHGATE SUB'N., City of Troy, Oakland County, Michigan, as recorded in Liber 44 of Plats, Page 55 of Oakland County Records.



We have reviewed the National Flood Insurance Rate Map Community # 280180 dated 9/16/88 for the City/Twp. of Troy and determined that the Parcel is in Flood Zone "C".

Unless actual elevations are measured, no liability for the above flood statement will be assumed.





DATE: December 11, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Announcement of Public Hearing  
Request for Commercial Vehicle Appeal  
2493 E. Maple

On September 10, 2001, City Council, after public hearing, approved a variance for 90 days for Mr. Francisco Poblete at his property at 2493 E. Maple. The 90 days has now expired and Mr. Poblete has not made arrangements for alternate storage locations nor constructed a building on his site to store the vehicles. These vehicles include three dump trucks, one stake truck, a Bobcat, and a concrete power buggy and trailer.

Building Department staff contacted Mr. Poblete to remind him of the expiration of his variance. In response to that contact, Mr. Poblete has filed a new appeal application requesting relief of Section 40.66.00 of the Zoning Ordinance. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of January 7, 2002.

A copy of the application and photo are attached for your reference.

Should you have any questions or require additional information, kindly advise.

**COMMERCIAL VEHICLE  
APPEAL APPLICATION**

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: FRANCISCO POBLETE

ADDRESS: 2493 E. MAPLE R.D.

CITY: TROY MI. ZIP: 48063 PHONE: 248-743-1220

ADDRESS OF SITE: SAME

NUMBER OF VEHICLES: 4

VEHICLE IDENTIFICATION NUMBER(S) \_\_\_\_\_

LICENSE PLATE NUMBER(S) 7733CP - 4488AM - ZD3350

DESCRIPTION OF VEHICLE(S) 1-STAKE TRUCK 3 DUMP TRUCKS

**RECEIVED**

DEC - 6 2001

BUILDING  
DEPARTMENT

REASON FOR APPEAL (see A - D below)

I would really appreciate if

you could give me more time to built my garage

Because right now I'm not working and I don't have the money to built if you could give me until May I could start it

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

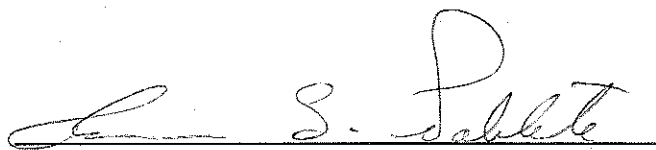
44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

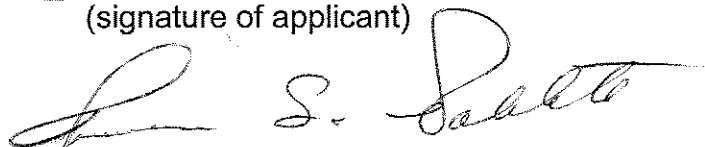
- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

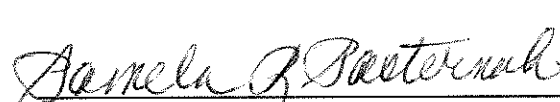
Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

  
(signature of applicant)



STATE OF MICHIGAN  
COUNTY OF OAKLAND

On this 6<sup>th</sup> day of December, 192001 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

 Macomb  
Notary Public, County, Michigan acting in Oakland  
My Commission Expires: 09-01-03





city walk







MORTGAGE SURVEY

Applicant: RODNEY LUMING

Property Description:

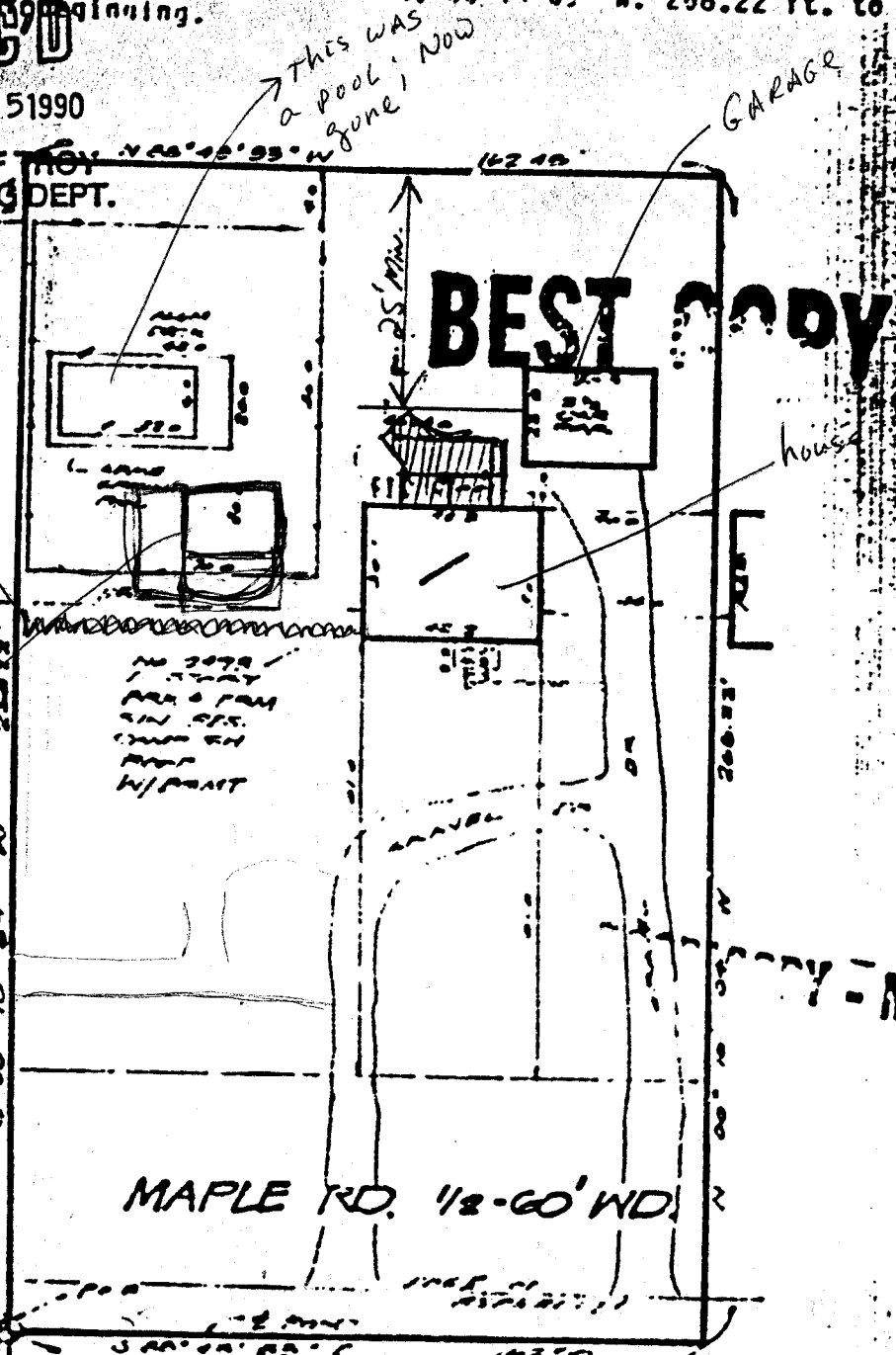
A parcel of land located in the City of Troy, Oakland County, Michigan, being more particularly described as: Part of Section 25, T.2 N., R.11 E., beginning at the S. 1/4 corner, thence S. 88°43'53" E. 162.50 ft. thence N. 00°10'04" W. 258.22 ft., thence N. 88°43'53" W. 162.45 ft. thence S. 00°10'03" W. 258.22 ft. to the point of beginning.

REC'D

SEP 05 1990

CITY OF TROY  
BUILDING DEPT.

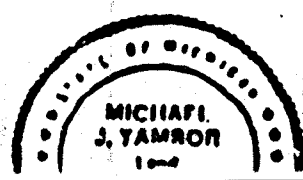
TRUCKS ARE PARKED  
ON THIS AREA



MAPLE RD. 1/2-60' WD

SW 1/4 SEC 25  
T.2 N. R.11 E.  
1/2-60' WD

I HEREBY CERTIFY that we have made a mortgage survey of the property herein described and that the buildings and improvements are located as shown and that there are no visible encroachments upon said property within record and shown on this map.





RECEIVED

Chief of Police

12/4/01 CT

12-02-01

Dear Chief Craft,

My terrible habit of procrastination is responsible for this very tardy note of appreciation for the service extended by Sgt. David Livingston — service which was certainly beyond the call of duty.

On November 3rd, late in the day, I received a call from Sr. Mary Choiniere at St. Alan's Church pleading for the presence of a police officer at the Memorial Service which

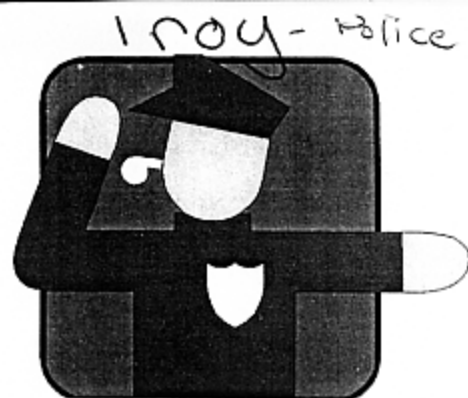
was to be held the next day.  
Without hesitation Sgt Livingston  
committed to being in attendance.

He was there early, in uniform  
and brought his wife as well.  
I am most indebted for his  
positive response. His presence  
there meant a great deal to our  
Church Community and provided  
special significance to the  
Memorial Service. The congrega-  
tion was also impressed by his  
professionalism and his show  
of spirituality. He is certainly  
a credit to the May Police Dept.  
Please share this with the Sgt.

Sincerely,  
Jeanne M Stine



With gratitude and appreciation to the  
dedicated service of our  
Police and Fire Departments  
October 30, 2001



Dear Police Department,  
Thank you for everything that you have  
done or are doing. We really appreciate ~~all~~ what  
your doing. God Bless you.

Remember God is always there!

Love Stephanie R. ♡



12-6-01

Dear Troy City Council,

I am writing this note to say  
THANK YOU for your recent de-  
cision to pay for more of the  
health insurance premiums for  
retirees. It was an unexpected  
gift for which my wife Sharon  
and I are grateful.

Troy has been a great place to  
work and has always been  
blessed with quality leaders.  
Thank you again.

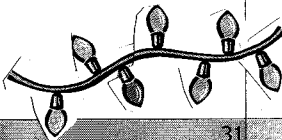

most sincerely,

David Lindquist  
ret. Civil Eng.

# December 2001

December 2001						
S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

January 2002						
S	M	T	W	T	F	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					December 1
					2
3	4	5	6	7	8
7:30pm City Council - Regular (Chambers)	3:00pm Charter Revision Committee (Conference Room C)	8:30am Bldg Code Bd of Appeals (C) 7:00pm Adv Comm Persons w/Disabilities (LL)	10:00am Sr Citizen Advisory Comm (Comm. Ctr.) 7:30pm Act 78-Lower Level		9
10	11	12	13	14	15
7:30pm Liquor Committee (C)	7:30pm Planning Commission-Regular (Council Chambers) 7:30pm Historical Society (Community Center)	3:00pm Employee Retirement System (C)	7:30pm Parks & Recreation Board-CANCELLED (Comm. Ctr.) 7:30pm Library Board (Lib.)		16
17	18	19	20	21	22
7:30pm City Council - Regular (Chambers)	7:30pm Board of Zoning Appeals (Chambers) 7:30pm Historic District Commission (City Hall (C))	7:30am Downtown Development 7:00pm Cable Advisory Committee (City Hall) 7:30pm Traffic Committee			23
24	25	26	27	28	29
Holiday - City Offices Closed	Holiday - City Offices Closed				30
					
31					
Holiday - City Offices Closed					

12/13/01

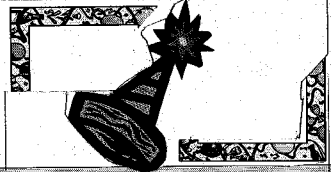
G-7

12/17 PH (Cont)-Parking Variance Request, 1477 John R  
12/17 PH-Local Law Enforcement Block Grant  
12/17 PH-Proposed Rezoning, Sec 28 B-2 to H-S, Craig  
12/17 PH-Proposed Rezoning, Sec 21 R-C to O-S-C, Burton/Katzman

# January 2002

January 2002						
S	M	T	W	T	F	S
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27	28	29	30	31		

February 2002						
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					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	January 1, 02 Holiday-City Offices Closed 	2 8:30am Building Code Board of Appeals (City Hall (LL)) 7:30pm Joint Council & Adv Comm Per/Disabilities (City Hall (LL))	3 10:00am Advisory Comm/Senior Citizens (Community Center)	4	5
7 7:30pm City Council-Regular (Council Chambers)	8 7:30pm Planning Commission-Regular Session (Council Chambers) 7:30pm Historical Society (Community Center)	9 3:00pm Employee Retirement System (City Hall (C))	10 7:30pm Parks & Recreation Board (Community Center) 7:30pm Library Board of Trustees (Library)	11	12
14 7:30pm Liquor Committee (C)	15 7:30pm Board of Zoning Appeals (Council Chambers) 7:30pm Historic District Commission (City Hall (C))	16 7:30am Downtown Development Authority (City Hall) 7:00pm Cable Advisory Committee (City Hall) 7:30pm Traffic Committee (City Hall (LL))	17 3:00pm Brownfield Redevelopment Authority (City Hall (LL))	18	19
21 7:30pm City Council-Regular (Council Chambers)	22 7:30pm Planning Commission-Study (LL) 7:30pm Historical Commission (Museum) 8:00pm Troy Daze (Community Center)	23	24	25	26
28	29	30	31		

12/13/01



01/07 PH-Commercial Vehicle Appeal, 649 Troywood  
01/07 PH-Commercial Vehicle Appeal, 2493 E Maple  
01/15 PH-Proposed Wetlands & Natural Features Ord  
01/16 PH If needed-Proposed Wetlands & Natural Features Ord



# February 2002

February 2002						
S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

March 2002						
S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				February 1	2
					3
					4
4	5	6	7	8	9
7:30pm City Council-Regular (Council Chambers)		8:30am Building Code Board of Appeals (City Hall (LL))  7:00pm Adv Comm Per/Disabilities (City Hall (LL))	10:00am Advisory Comm/Senior Citizens (Community Center)		10
					11
11	12	13	14	15	16
	7:30pm Planning Commission-Regular (Council Chambers)  7:30pm Historical Society (Community Center) 	3:00pm Employee Retirement System (City Hall (C))	7:30pm Parks & Recreation Board (Community Center)  7:30pm Library Board of Trustees (Library)		17
					18
18	19	20	21	22	23
7:30pm City Council-Regular (Council Chambers)	7:30pm Board of Zoning Appeals (Council Chambers)  7:30pm Historic District Commission (City Hall (C))	7:30am Downtown Development Authority (City Hall (LL))  7:30pm Traffic Committee (City Hall (LL))			24
					25
25	26	27	28		
7:30pm City Council Liquor Violation Hearings (Council Chambers)	7:30pm Planning Commission-Study (City Hall (LL))  7:30pm Historical Commission (Museum)  8:00pm Troy Daze (Community Center)	7:30pm City Council Liquor Violation Hearings (Council Chambers)			

November 28, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director

Subject: Wal-Mart Donation to Parks and Recreation

Wal-Mart recently donated \$1000.00 to the Parks and Recreation department. This donation will be used to support the activities involving the Community Center grand opening. It is with great appreciation that this donation is accepted.

Last year, Wal-Mart donated \$5,000.00 for use at the Nature Center. The donation was used for exhibits in the new Nature Center.

CKA/mp



November 8, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Lori Bluhm, City Attorney  
Gary A. Shripka, Assistant City Manager/Services  
William R. Need, Public Works Director

SUBJECT: Proposed Snow Emergency Ordinance

Over the years the department has received criticism for not having a snow emergency ordinance in place that would eliminate parking on City streets during winter storms.

The feeling is that an ordinance of this nature would increase our snow removal efficiency and improve the quality of the end product.

Ordinances of this nature have been proposed in the past but for various reasons have not been enacted.

With the number of requests from the public, indicating that this type of legislation is desirable, our staff has proposed a draft ordinance for your review, comment and consideration.

## Proposed Ordinance Addition to Chapter 33 Public Right of Way

- 33.4.25     Snow Emergency, Parking Prohibition. The Director of Public Works shall have the authority to declare a snow emergency, and temporarily prohibit parking on any street, when weather conditions make it necessary to enact this parking restriction for snowplowing or other similar purposes.
- 33.4.25.01     The declaration of a snow emergency can be based on falling snow, sleet, or freezing rain, or on the basis of the US Weather Bureau or any other weather services.
- 33.4.25.02     Once in effect, the snow emergency will remain in effect until terminated by announcement of the director. This termination may be made when some of the conditions that gave rise to the parking prohibition no longer exist. The termination of snow emergency parking prohibitions may also be made on a street wide basis, once each street section has become substantially clean of snow and ice from curb-to-curb for the length of the entire block.
- 33.4.25.03     Each declaration made by the director concerning the snow emergency parking prohibition shall be announced by means of broadcasts, cablecasts, or telecasts from stations with a normal operating range covering the City of Troy.
- 33.4.25.04     Nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other ordinance in the City of Troy.
- 33.4.25.05     Authorized officials, including Troy police officers and police service aides, may remove or cause the removal and/or impounding of any vehicle found parked in violation of this ordinance, following established policies, procedures and requirements for vehicles illegally parked in the City of Troy.
- 33.4.25.06     During a declared snow emergency, the provisions of this ordinance shall take precedence over other conflicting provisions of any ordinance normally in effect.

RESOLVED, that an ordinance amendment to Chapter 33, Section 4.25 is hereby adopted as recommended by the City Manager. A copy of this ordinance shall be attached to the original minutes of this meeting.

December 12, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager\Services  
Jeanette Bennett, Purchasing Director  
William R. Need, Public Works Director

SUBJECT: Vehicle Auction

Twenty-one (21) vehicles were auctioned at Motors Auction Group public auction (formally known as Copart Auto Auction) on November 3, 2001. These vehicles were sold for a total of \$46,475.00.

Our income is as follows:

Total selling price \$46,475.00

Costs: Auction Fee (2,992.50) \*

**Net Income            \$43,482.50**

\* (\$142.50 cost per vehicle times 21 vehicles)

Prepared by: Samuel P. Lamerato, Superintendent of Motor Pool

December 11, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: **Meadow Creek Subdivision** – West of Evanswood, North of Square Lake  
– Section 1


At the September 6, 2001 City Council Meeting, Final Preliminary Plat Approval was granted for the Meadow Creek Subdivision. A condition was included in the resolution requiring Almar Homes to fund up to \$8,000 for tree plantings on Troy School District property. The purpose of the trees is to protect the lake plain prairie wetland. The school district verified that Almar Homes planted five eastern White Pines as requested (see enclosed letter).

MFM/dav

Cc: Marcus Lederman (Almar Homes)  
File/Meadow Creek Subdivision  
File/Correspondence

December 11, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director 

SUBJECT: **Meadow Creek Subdivision** – West of Evanswood, North of Square Lake  
– Section 1

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MFM/dav

Cc: Marcus Lederman (Almar Homes)  
File/Meadow Creek Subdivision  
File/Correspondence

# TROY

## SCHOOL DISTRICT

Janet H. Jopke, Ed.D., *Superintendent of Schools*

4400 Livernois Road  
Troy, Michigan 48098-4799  
248.823.4000  
248.823.4013 Fax

Michael M. Adamczyk, *Assistant Superintendent Business Services*

December 6, 2001

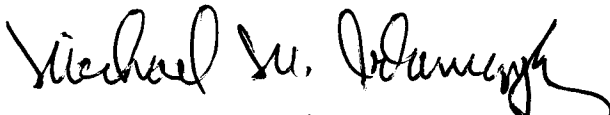
Mr. Gary Shripka  
Assistant City Manager-Services  
City of Troy School District  
500 W. Big Beaver Rd.  
Troy, MI 48084

Dear Mr. Shripka:

Mark Lederman of Almar Homes has complied with the requirement to plant trees on Troy School District property. Specifically, he has planted five (5) Eastern White Pines approximately 14' in height. The purpose of this planting was to fill in a "gap" which existed in an existing tree line between the Almar Homes development and Troy School District property.

The Troy School District is greatly appreciative of the cooperation exhibited by Mr. Lederman of Almar Homes.

Sincerely,



Michael M. Adamczyk  
Assistant Superintendent  
Business Services

Cc: J. Jopke  
Prof. Carl Freeman  
Almar Homes

RECEIVED  
DEC - 7 2001  
CITY OF TROY  
CITY MANAGER'S OFFICE  
REC'D

PLANNING DEPT.

REC'D

DEC 10 2001

PLANNING DEPT.

December 10, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/ Services  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Jeanette Bennett, Purchasing Director

Re: Status of the City's Salt Supply

### **SALT STATUS**

The City of Troy has participated as a user of the State of Michigan Extended Purchasing Program for salt for at least 16 years. The State of Michigan bids their contracts in the spring and the DPW department must provide a firm commitment to purchase salt for "Early Shipments" and "Seasonal Requirements". The State's bid prices are varied depending upon location within the State of Michigan and time of delivery.

### **BACKGROUND INFORMATION**

We have participated in the State's program because we have never had a delivery problem. Since firm commitments are necessary, City staff has to choose the Cooperative salt program in which they wish to participate before prices have been received. Although the State's program has not always been the cheapest, we have always been able to obtain salt. We have recognized that salt is a commodity that is subject to market volatility and have preferred to be in the State's process that occurs in the spring. Also due to storage limitations, the City can only take delivery of tonnage as our supplies deplete.

### **CURRENT PRICING**

<u>COMMITMENT</u>	<u>QUANTITY</u>	<u>PRICE/TON</u>
Early Shipments	4,000 tons	\$22.41*
Seasonal Requirements	8,000 tons**	\$25.07

\* The early shipments have been completed and we received 4,009.72 tons between September 1, 2001 and October 15, 2001.

\*\* The contract allows for an additional quantity of 30% over the stated commitment. This quantity does not have to be taken unless we deplete our supplies depending upon winter conditions.





# *City of Walled Lake*

1499 E. West Maple • P.O. Box 0099  
Walled Lake, Michigan 48390-0099  
(248) 624-4847 • Fax (248) 624-1616

www.walledlake.com

**RECEIVED**

NOV 28 2001

CITY OF TROY  
CITY MANAGER'S OFFICE

## **RESOLUTION**

Whereas, the protection of public safety on highways, roads and streets under its jurisdiction is one of the most important duties of City Government, and

Whereas, the City of Walled Lake faces grave difficulties in fulfilling that duty in the forthcoming winter due to the lack of an adequate supply of road salt at reasonable prices, and

Whereas, the City has been given no reasonable explanation for the alleged scarcity of this vital, though historically common, commodity and the City lacks the authority to investigate and compel the cooperation of suppliers in the determination of its cause.

Now, therefore, it is hereby resolved:

1. The City Council of the City of Walled Lake requests:
  - a. That the Attorney General of the State of Michigan and the Attorney General of the United States through their appropriate departments and agencies conduct an investigation into the causes of the alleged scarcity of road salt in southeastern Michigan, including the possible occurrences of collusion and price gouging by suppliers of this commodity.
  - b. That the Governor of the State of Michigan and the Director of Department of Transportation do all in their power to assist the City and other municipalities similarly situated to obtain adequate supplies of road salt at reasonable market prices to address the immediate threat to public safety or relieve the Cities contracted responsibilities for state road maintenance.
  - c. The Oakland County Road Commission do all in its power to assist the municipalities of Oakland County to obtain adequate supplies of road salt at reasonable market prices to address the immediate threat to public safety or relieve the cities of contracted responsibilities for county road maintenance.
2. The City Council of the City of Walled Lake further requests that the Michigan legislature and the United States Congress consider appropriate legislation to insure the adequate future supply of road salt

*Pride in our past — Faith in our future*

in this state and all other states which face the hazards of snow and ice covered highways, streets and roads.

3. The City Council of the City of Walled Lake directs that copies of this resolution be directed to the Governor, the Attorney General of Michigan, the Attorney General of the United States through the Office of the United States District Attorney for the Southeast District of Michigan, the State Director of Transportation, the Oakland County Road Commission, Senators Carl Levin and Deborah Stabenow, Congressman Joseph Knollenberg, State Senator Bill Bullard Jr., State Representative Nancy Cassis, County Commissioner Hugh Crawford and the Cities and Villages of Oakland and Macomb Counties.

MOVED BY: Council member Ackley

SUPPORTED BY: Council member Swett

Ayes: 7      Nays: 0

Adopted: November 20, 2001

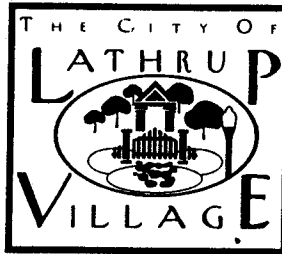
I, Catherine Metevia, City Clerk, of the City of Walled Lake do hereby certify that the aforesaid is a true and correct copy of a Resolution adopted at a regular meeting of the City Council held on November 20, 2001.

Catherine Metevia  
Catherine Metevia, City Clerk

CITY ADMINISTRATION

JEFFREY A. BREMER, CITY ADMINISTRATOR

JEFFREY L. MUELLER, ASST. CITY ADMINISTRATOR



A HERITAGE OF GOOD LIVING

GLORIA HARRIS-FORD, CITY CLERK

PAMELA BRATSCHI, CITY TREASURER

MARALEE ROSEMOND, RECREATION COORDINATOR

**RECEIVED**

DEC 10 2001

CITY OF TROY  
CITY MANAGER'S OFFICE

CITY OF LATHRUP VILLAGE

RESOLUTION

**Whereas**, the protection of public safety on highways, roads and streets under its jurisdiction is one of the most important duties of City government, and

**Whereas**, the City of Lathrup Village faces grave difficulties in fulfilling that duty in the forthcoming winter due to the lack of an adequate supply of road salt at reasonable prices, and

**Whereas**, the City has been given no reasonable explanation for the alleged scarcity of this vital, though historically common, commodity and the City lacks the authority to investigate and compel the cooperation of suppliers in the determination of its cause.

**Now, therefore, it is hereby resolved:**

1. The City Council of the City of Lathrup Village requests:
  - a. That the Attorney General of the State of Michigan and the Attorney General of the United States through their appropriate departments And agencies conduct an investigation into the causes of the alleged scarcity of road salt in southeastern Michigan, including the possible occurrences of collusion and price gouging by suppliers of this commodity.
  - b. That the Governor of the State of Michigan and the Director of Department of Transportation do all in their power to assist the City And other municipalities similarly situated to obtain adequate supplies of road salt at reasonable market prices to address the immediate threat to public safety or relieve the Cities contracted responsibilities for state road maintenance.
  - c. The Oakland County Road Commission do all in its power to assist the Municipalities of Oakland County to obtain adequate supplies of road salt at reasonable market prices to address the immediate threat to public safety or relieve the cities of contracted responsibilities for county road maintenance.
2. The City Council of the City of Lathrup Village further requests that the Michigan legislature and the United States Congress consider appropriate legislation to insure the adequate future supply of road salt in this state and all other states which face the hazards of snow and ice covered highways, streets and roads.

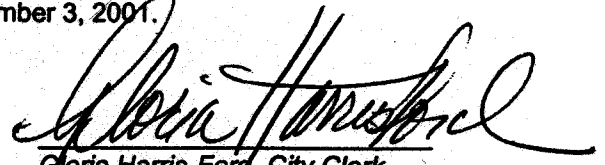
RECEIVED  
CITY OF TROY

2001 DEC -7 PM 12:37

The City Council of the City of Lathrup Village directs that copies of this Resolution be directed to the Governor, the Attorney General of Michigan, The Attorney General of the United States through the Office of the United States District Attorney for the Southeast District of Michigan, the State Director of Transportation, the Oakland County Road Commission, Senators Carl Levin and Deborah Stabenow, Congressman Joseph Knollenberg, State Senator Gary Peters, State Representative Nancy Quarles, County Commissioners Vincent Gregory and the Cities and Villages of Oakland and Macomb Counties.

Motion by: McClain  
Seconded by: Flannery  
Yes: Brock, Flannery, McClain, Weeks, Welch  
No: None  
Absent: None  
Resolution adopted.

I, Gloria Harris-Ford, City Clerk of the City of Lathrup Village do hereby certify that the above resolution was adopted at the Regular Meeting held on December 3, 2001.



Gloria Harris-Ford, City Clerk



December 11, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY  
CAROLYN FLETCHER GLOSBY, ASSISTANT CITY ATTORNEY

RE: APPOINTMENT OF MICHELE HODGES TO THE DOWNTOWN  
DEVELOPMENT AUTHORITY

---

You have requested an opinion as to whether Ms. Michele Hodges, President, Troy Chamber of Commerce, may be appointed to the board of the Downtown Development Authority ("DDA"). Ms. Hodges neither resides, nor has an interest in property located in the downtown development district subject to DDA jurisdiction.

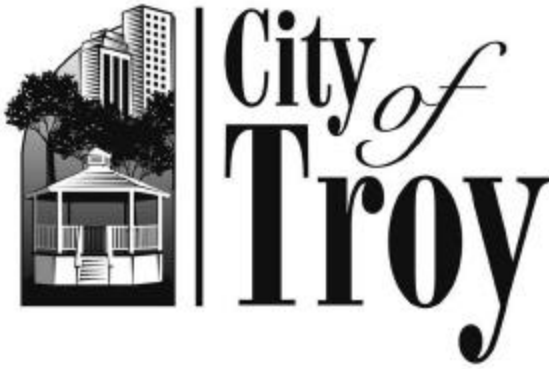
The DDA Act, MCL 125.1651, *et seq.*, provides that a majority of DDA board members must have an interest in district property. MCL 125.1654(1). In an October 1999 opinion, the Michigan Attorney General relied upon the statutory provisions to find that a bylaw adopted by a DDA requiring all board members to have an interest in downtown district property was "not authorized by law." OAG, 1999, No. 7037 (October 19, 1999).

Therefore, Ms. Hodges' lack of residence in the City or interest in district property should not prevent her appointment to the DDA board, provided that a majority of the remaining members possess interests in district property.

Section 6.1<sup>1</sup> of the City Charter would not control Ms. Hodges' appointment because the DDA is not a "City board . . . created by or pursuant to this charter"; the DDA exists by virtue of authority granted to the City by the state statute, rather than by the Charter.

---

<sup>1</sup> This Charter section provides in relevant part that "[e]ach member of a City board or commission created by or pursuant to, this charter shall have been a resident of the city prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office."



December 12, 2001

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: STATE FARM v. CITY OF TROY (ESSIAN CASE)

---

Enclosed please find the order, dismissing the State Farm (subrogee of Michael and Nicole Essian) v. City of Troy lawsuit. Michael and Nicole Essian reside at 296 Lesdale Drive, in the City of Troy. In their complaint, they alleged that there were two surges of water in their home, which allegedly were caused by the section three water main replacement. The City's documentation reveals that the water main was successfully completed on March 10, 2000. The alleged water surges to the Essian home occurred on June 8, 2000 and August 4, 2000. No other residents experienced any type of water surge during the replacement of the water main. Based on all of this, it is the City's position that the alleged water surges were actually attributable to inferior pipes in the Essian home.

After receiving the City's records in this matter, the Plaintiffs have offered to dismiss this lawsuit without prejudice, and without costs. Although dismissing without prejudice allows State Farm to file a subsequent action for the alleged water surges at the Essian home, this is not likely to occur within the allocated limitations period.

If you have any questions concerning the above, please let me know.

STATE OF MICHIGAN

52/4 DISTRICT COURT

STATE FARM FIRE & CASUALTY COMPANY,  
As subrogee of Michael and Nicole Essian,

Plaintiff,

Vs.

Case No. 01-CO1481GC-01  
Hon. William E. Bolle

CITY OF TROY,  
Defendant.

PATRICK, JOHNSON & KING, P.C.  
Patrick A. King (P27702)  
Tom Bearse (P46887)  
Attorneys for Plaintiffs  
27777 Franklin Road, Suite 1100  
Southfield, MI 48034  
(248) 356-8590

CITY OF TROY  
CITY ATTORNEY'S OFFICE  
Lori Grigg Bluhm (P46908)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(248) 524-3320

**STIPULATED ORDER OF DISMISSAL**

At a session of said Court  
held in the Courthouse in the  
City of Troy, Oakland County, MI  
on: DEC 11 2001

PRESENT: HONORABLE WILLIAM E. BOLLE, DISTRICT JUDGE

This matter having come before the Court pursuant to the stipulation of the  
parties, and the Court having been fully advised in the premises;

A TRUE COPY

IT IS ORDERED that this matter is hereby dismissed without prejudice  
and without costs to either party.

JUDGE DOYLE

District Judge

STIPULATED TO FOR ENTRY WITH THE COURT:

Thomas T. Bearse / per fax  
Thomas T. Bearse (P46887)  
Attorney for Plaintiffs  
copy 2-10-01 us

L. Grigg Bjurm  
Lori Grigg Bjurm (P46908)  
Attorney for Defendant

RECEIVED  
FEB 10 2001  
A TRUE COPY



December 11, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Follow Up Information Requested By Council For Agenda Item F-5 From  
November 19, 2001, Authorization to Hire Real Estate Consultant for Road Work  
on Long Lake Road – Carnaby Street to Dequindre Road

On November 19, 2001, City Council approved a bid waiver and the hiring of an independent real estate consultant for the appraisal and acquisition work for the proposed widening of Long Lake Road from Carnaby Street to Dequindre Road. A number of questions were raised regarding the sole sourcing of this contract. Following is further information on the rationale for a bid waiver in this case that hopefully will help clarify the justification for this recommendation.

Staff proposed this pilot project to follow up on Council's direction to consider exploring privatization of city services or operations when it is appropriate. In addition, outsourcing may help us analyze future staffing needs and the advantages and disadvantages of outsourcing work to help us meet deadlines when we have a limited amount of time and multiple projects.

Staff has not developed a separate database of appraisers and acquisition consultants because the Michigan Department of Transportation supplies us with their lists of approved appraisers and acquisition consultants. There are only five contractors in southeast Michigan on MDOT's Approved List of Acquisition/Relocation Specialists (list attached). When Staff first received this list, they checked with Hubbell, Roth & Clark, the City's design engineers for the Long Lake project. HRC said that they were not available for the appraisal and land acquisition phase, but they recommended Kenneth W. Whinton, Real Estate Consultant. Mr. Whinton had previously attended some of the same training courses as our staff and was also recommended by the Macomb County Road Commission.

Due to our staff's involvement in volunteering to coordinate right-of-way education courses in Michigan, they know most of the consultants and the amount of training that they have received. Staff was concerned that while some of the owners and managers of consulting companies have extensive training and experience, the people actually contacting our property owners might not have that background. With Mr. Whinton's training and experience and our staff's knowledge of the other consultants training and experience for this pilot project, we decided to recommend Mr. Whinton for this project without direct contact with the other consultants.

A persistent problem in completing the appraisal/acquisition program function is the lack of lead-time in which to accomplish the many necessary steps in the process. Attached is a chart that outlines these steps. Sufficient time is required to perform the statutory requirements. Often times project activities such as environmental studies and/or design work take longer than scheduled and encroach on the necessary right-of-way time, which may make it necessary to change the construction letting dates. Even when we are aware of upcoming projects, there is only a limited amount of work that can be done in advance. Title work and appraisals must be current when appointments are scheduled with property owners. If they are done too far in advance, we will need to pay for updates.

We cannot secure authorization to proceed with the appraisal and acquisition phase of the project until the design plan has been approved by MDOT and FHWA, a public hearing is held (which includes a 15 day advertising period and 15 days for receiving comments after the hearing) and the entire package is resubmitted for final approval. It is difficult to prepare RFPs for appraisal/acquisition work early in the design stage since the number of parcels and extent of impact on each parcel is dependent on the final design. Also, contractors are hesitant to submit proposals without knowing when they will have authorization to begin.

If staff believes that there is a need to outsource this work for future projects, we will use our experience from this pilot project to prepare and evaluate Requests for Proposals.

cc: Steve Vandette, City Engineer



**WAYLAND BABBITT**

724 E. GARFIELD

CADILLAC

MI 49601

Phone : (000) 000 0000

Fax : (000) 000 0000

Services : Acquisition Consultant

Appraisal Level :

**RICHARD F. BEAUBIEN****HUBBELL, ROTH & CLARK**

555 Hulet Dr P.O. Box 824

BLOOMFIELD

MI 48303

Phone : (313) 338 9241

Fax : (000) 000 0000

Services : Acquisition Consultant

Appraiser of Land and Bu

Appraisal Level :  
Legal Description/Sketch

Mapping Consultant

Engineer

**GARY BOWMAN****JCK & ASSOCIATES**

45650 GRAND RIVER AV

NOVI

MI 48374

Phone : (248) 348 2680

Fax : (248) 348 2777

Services : Acquisition Consultant

Appraiser of Land and Bu

Appraisal Level :  
Engineering Studies

Mapping Consultant

Turnkey Consultant

Wetlands

**PETER CAMPBELL****S. M. DIX & ASSOCIATES**

6167 28TH ST, SE

GRAND RAPIDS

MI 49546

Phone : (800) 884 7941

Fax : (616) 957 2661

Services : Acquisition Consultant

Appraiser of Fixtures

Appraisal Level :

Post-It Fax Note 7671

Date 11/28/01 # of pages 7

To PAT Petitto	From RON Paulson
Co./Dept Troy / Real Est.	Co. MDOT. Real Est.
Phone #	Phone #
Fax #	Fax #

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**JAMES CHILDS****5357 FOLKS ROAD****HORTON MI 49246**

Phone : (517) 663 2295

Fax : (000) 000 0000

Services : Acquisition Consultant

Appraiser of Land and Bu

Appraisal Level : 2

---

**MARK CHOYAN****THE MANNIK & SMITH GROUP, INC.****1060 S. Telegraph Road****MONROE MI 48161**

Phone : (734) 457 2222

Fax : (734) 457 2230

Services : Acquisition Consultant

Relocation Consultant

Appraisal Level :  
Turnkey Consultant

---

**HERBERT C. CUSACK****10338 JORDAN LAKE ROAD****LAKE ODESSA MI 48849**

Phone : (616) 374 1366

Fax : (000) 000 0000

Services : Acquisition Consultant

Appraiser of Land and Bu

Appraisal Level :  
Appraisal Problems

Appraisal Review

Relocation Consultant

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**DOUGLAS DOWNER****4299 Cherry Lane****TRAVERSE CITY MI 49684**

Phone : (616) 947 7668

Fax : (000) 000 0000

Services : Acquisition Consultant

Appraisal Level :

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**JAY DUBOIS****2700 Eaton Rapids Road, Lot 195****LANSING MI 48811**

Phone : (517) 393 5438

Fax : (000) 000 0000

Services : Acquisition Consultant

Appraisal Level :

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**LEONARD FARR**

13517 S. SHAFTSBURG RD. BOX 12  
SHAFTSBURG MI 48882  
Phone : (517) 675 7437  
Fax : (000) 000 0000

Services : Acquisition Consultant  
Property Management Cc  
Appraisal Level :

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**RANDALL HANSON****ELEXCO LAND SERVICES, INC**

502 Busha Hwy, Ste B  
MARYSVILLE MI 48040  
Phone : (313) 364 7940  
Fax : (000) 000 0000

Services : Acquisition Consultant  
Relocation Consultant  
Appraisal Level :  
Engineer  
Turnkey Consultant

---

**SHARON B. HARBIN**

410 NORTH CENTER  
NORTHVILLE MI 48167  
Phone : (313) 838 0020  
Fax : (313) 344 1652  
Services : Acquisition Consultant  
Appraiser of Land and Bu  
Appraisal Level :  
Relocation Consultant  
Engineer

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**JOE HOLT****LAND SERVICES, INC.**

10850 E. Traverse Hwy, Ste 1000  
TRAVERSE CITY MI 49684  
Phone : (000) 000 0000  
Fax : (000) 000 0000

Services : Acquisition Consultant  
Appraisal Level :

---

**ROSEMARY JARVEY**

2117 25TH AVE. SOUTH  
ESCANABA MI 49829  
Phone : (906) 786 4498  
Fax : (000) 000 0000

Services : Acquisition Consultant  
Relocation Consultant  
Appraisal Level :

---

**CARROL JARVEY**

2117 25th Ave S.

ESCANABA

MI 49829

Phone : (906) 786 4498

Fax : (000) 000 0000

Services : Acquisition Consultant

Relocation Consultant

Appraisal Level :

---

**JAMES C. KAHL****WIGHTMAN & ASSOCIATES, INC**

920 Broad St.

ST. JOSEPH

MI 49085

Phone : (616) 983 1531

Fax : (616) 983 1715

Services : Acquisition Consultant

Appraisal Level :

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**MICHEAL LINDERMAN****LINDERMAN RIGHT OF WAY SERVICES**

4151 Westwind Lane

DEWITT

MI 48820

Phone : (517) 669 1570

Fax : (517) 669 0078

Services : Acquisition Consultant

Legal Description/Sketch

Appraisal Level :  
Property Management Cc

---

**JAMES F. MAY**

502 MINNEAPOLIS AVE.

GLADSTONE

MI 49837

Phone : (906) 428 9252

Fax : (000) 000 0000

Services : Acquisition Consultant

Relocation Consultant

Appraisal Level :

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**CATHLEEN MIELOCK**

5014 Geraldine Drive

LANSING

MI 48917

Phone : (517) 323 2069

Fax : (000) 000 0000

Services : Acquisition Consultant

Appraisal Level :

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**CATHY COLAN MUTH****O. R. COLAN ASSOCIATES, INC**

205 D. Street

SOUTH CHARLESTON WV 25303

Phone : (304) 327 6968

Fax : (000) 000 0000

Services : Acquisition Consultant

Relocation Consultant

Appraisal Level :  
Engineer

Turnkey Consultant

---

**MONTY L. NORRIS**

30094 E. Bay Street

DRUMMOND ISLAND MI 49726

Phone : (906) 493 5700

Fax : (906) 493 5703

Services : Acquisition Consultant

Appraisal Level :

---

**JERALD ROSENFELD****FARBMAN GROUP**

28400 Northwestern Hwy 4th flr

SOUTHFIELD MI 480341839

Phone : (248) 353 0500

Fax : (248) 353 0501

Services : Acquisition Consultant

Relocation Consultant

Appraisal Level :  
Engineer

Turnkey Consultant

---

**JOSEPH M. SCHMITT**

P.O. Box 21065

LANSING MI 489091065

Phone : (517) 394 3994

Fax : (000) 000 0000

Services : Acquisition Consultant

Appraisal Level :

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**SDI CONSULTANTS, LTD**

X

12662 Riley St. Ste 130

HOLLAND MI 49424

Phone : (616) 399 7440

Fax : (616) 399 7440

Services : Acquisition Consultant

Land Surveyor

Appraisal Level :  
Turnkey Consultant



---

**AL SHEPARD****SHEPARD MOVING AND STORAGE**

321 OAKWOOD

OWOSSO

MI 48867

Phone : (517) 725 6297

Fax : (000) 000 0000

Services : Acquisition Consultant

Auctioneer

Appraisal Level :

---

**ROBERT E. SWANSON**

P.O. BOX 611901

PORT HURON

MI 48061

Phone : (517) 383 1249

Fax : (000) 000 0000

Services : Acquisition Consultant

Relocation Consultant

Appraisal Level :

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**RICHARD TERPSTRA****TERPSTRA AND ASSOCIATES**

P.O. Box 535

ALLENDALE

MI 494010535

Phone : (616) 892 6030

Fax : (616) 892 6031

Services : Acquisition Consultant

Relocation Consultant

Appraisal Level :

Turnkey Consultant

---

**LESTER WALCOTT****COMMONWEALTH ASSOC., INC.**

2700 West Argyle

JACKSON

MI 492041124

Phone : (517) 788 3000

Fax : (517) 788 3003

Services : Acquisition Consultant

Appraiser of Land and Bu

Appraisal Level :

Legal Description/Sketch

Mapping Consultant

Property Management Co

Appraisal Review

Relocation Consultant

Engineer

Turnkey Consultant

---

**CHARLES F. WALKER****114 KENWAY DRIVE****LANSING****MI 48917****Phone : (517) 323 9538****Fax : (517) 886 9955****Services : Acquisition Consultant****Appraiser of Land and Bu****Appraisal Level :  
Appraisal Problems****Appraisal Review****Relocation Consultant**

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**KENNETH W. WHITENTON****6240 Cramlane Drive****Clarkston****MI 48346****Phone: (248) 652 2228****Fax: (000) 000 0000****Services: Acquisition Consultant****Appraiser of Land and Bu****Relocation Consultant**

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**JOHN WINTER****7648 Ravenswood****KALAMAZOO****MI 49002****Phone : (616) 327 1413****Fax : (000) 000 0000****Services : Acquisition Consultant****Relocation Consultant****Appraisal Level :**

---

**BERNARD YANTZ****CHERRY CAPITAL REAL ESTATE****866 Pine Grove Avenue****TRAVERSE CITY****MI 49686****Phone : (616) 946 2076****Fax : (000) 000 0000****Services : Acquisition Consultant****Appraiser of Land and Bu****Appraisal Level :  
Property Management Co****Engineer**

December 11, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Joint Recommendation to Relocate Historic Methodist Church and Parsonage from its Current Site on Square Lake to the Village Green

Last summer I invited the Historical Commission, Historic District Commission, Historical Society and Museum Guild to a joint session for reason of discussing the Methodist church and parsonage at Square Lake and Livernois. Our ultimate task was to achieve consensus on whether these structures should be relocated to the Village Green site or renovated in situ.

We utilized the "interest based" approach to problem solving. Briefly, we focused on interests, not positions; utilized objective criteria; separated people from the problem; and helped each other achieve positive results.

Once criteria and options were developed, a core subcommittee was created with the following members:

Jack Turner  
Walter Cornelius  
Brian Wattles  
Ed Bortner  
Jerry Young  
Vi Smith  
Jacques Nixon  
Dorothy Scott  
Loraine Campbell

This committee's first objective was to develop an RFP to select an architectural firm to assist in examining options; interview architectural firms, and make a recommendation to City Council. As you know, Gerald J Yurk Associates was recommended to Council to perform this work.

This study is now complete (see attached), and it is the recommendation of the above committee to request that City Council allocate funding to pursue option 3.

This option is flagged in green on the attached report and consists of moving the church and parsonage to the Village Green site located on Wattles Road. The scheme considers the movement of the existing town hall structure at the Village Green to a new location within the site. The church and parsonage would then be dismantled and relocated to where the town hall once stood. The original 1837 Methodist church footprint would be dismantled, relocated and restored while adding a small addition at the rear. The parsonage would be dismantled, relocated and restored in full.

It's important to note that the Historical Commission, Historical District Commission, Historical Society and Museum Guild also recommend this option. Of course, City management does as well. The estimated cost ranges from \$1,113,500 to \$1,160,000 for construction with a total estimated cost of approximately \$1,500,000. This funding would span two fiscal years and it is my understanding that the Historical Society will make a contribution toward this project.

Mr. Gerry Yurk will be making a short presentation to you on this issue. We are not asking for any action by City Council, but wish that you would consider this as a project justification presentation for our budgetary process.

In closing, I wish to offer my sincere thanks and gratitude to those volunteers who sought common ground instead of differences relative to this long-standing issue. We are indeed fortunate to have such a positive group of residents that are identified with the City.

JS/mr\2001\To M&CC\Joint Recommendation from Ad Hoc Church Committee

c: Gary A. Shripka, Assistant City Manager/Services  
Brian Stoutenburg, Library Director  
Loraine Campbell, Museum Manager  
Ad Hoc Church Committee Members  
Historical Commission  
Historic District Commission  
Historical Society  
Museum Guild

December 12, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager *JS*  
Gary Shripka, Assistant City Manager/Services *MS*  
Brian Stoutenburg, Library Director *BS*  
Loraine Campbell, Museum Manager *LC*

SUBJECT: Museum Staff Support for Option #3 – Historic Preservation Plan  
for Troy Methodist Church and Parsonage.

The staff at the Troy Museum and Historic Village is in agreement with the Ad Hoc Church Committee's recommendation of Option #3 of the Historic Preservation Plan for Troy Methodist Church and Parsonage.

Option #3 offers the best opportunities to preserve both structures and incorporate them in the Education and Interpretive Program of the Troy Museum and Historic Village. The advantages include functionality, security, storage, and cost efficiency.

The buildings can be efficiently and effectively integrated into the Education and Interpretive Programs without the need for additional staff. Churches contributed to the spiritual and social well being of communities, and staff will be able to incorporate this component of Troy's heritage into on-site, meaningful programs for all ages. The Church would become the largest assembly hall on the Village Green providing much needed seating for the popular lecture series and would allow for further program development. The Parsonage will represent the period of 1900-1910, completing the chronology of dwellings on the Green.

Locating the structures on the Green enhances their security. Opportunities for vandalism and thievery are greatly reduced, and maintenance problems can be more readily identified.

The basements of the structures will ease the critical, current storage needs. The collections of glass, ceramic, metal and wood have outgrown the current available space, and the paper and textile collections housed in the archive are over crowded, impeding the ability to manage and access them properly.

The physical presence of the structures at the east end of the green will enhance aesthetics of the Green, and having adjacent parking is logical for special events and programs held in the structures.

# Memo

**To:** Troy City Council

**From:** Ad Hoc Church Committee, Jack Turner, Chairman

**Date:** 11/30/01

**Re:** Church/Parsonage Project

---

The members of the Ad Hoc Church Committee have reviewed the Phase II Report, *Historic Preservation Plan for the Troy Methodist Church and Parsonage, Budget and Descriptive Plan for Restoration*, completed by Gerald J. Yurk Associates. The Committee members support implementation of Option 3. Options 1 and 2 show clearly that there is not enough room on the current site for restoration and use as a Museum Site. Option 3 is the best configuration of structures on the Green and provides the best opportunities for long term preservation, maintenance, security and daily use.

# Memo

**To:** Mayor and City Council  
**From:** Troy Historic District Commission  
**CC:** John Szerlag, City Manager  
Gary A. Shripka, Ass't City Manager for Services  
Ad Hoc Church & Parsonage Committee  
**Date:** 11/29/01  
**Re:** Methodist Church and Parsonage Budget and Descriptive Plan for restoration

---

From the November 20, 2001 meeting of the Troy Historic District Commission:

**MOVED BY JACQUES NIXON, SECONDED BY KEVIN DANIELSON, TO SUPPORT THE AD HOC COMMITTEE'S RECCOMENDATION TO SUPPORT OPTION NUMBER THREE TO MOVE THE CHURCH AND PARSONAGE.** Yeas: 4-Ayes. Biglin, Danielson, Eisenbacher, Nixon Abstain: 1- Lin  
Absent: Scott

Respectfully submitted:

Troy Historic District Commission

# Memo

**To:** Troy City Council

**From:** Historical Commission, Rosemary Kornacki, Chairwoman

**Date:** 11/29/01

**Re:** Church/Parsonage Project

---

The members of the Troy Historical Commission have reviewed the Phase II Report, *Historic Preservation Plan for the Troy Methodist Church and Parsonage, Budget and Descriptive Plan for Restoration*, completed by Gerald J. Yurk Associates. The Commission members support implementation of Option 3 (with the inclusion of air conditioning in the structures) for the following reasons:

1. Moving the structures to the Green allows for the most economical and efficient long-term preservation of the structures.
2. Siting the structures on the Green provides for the best adaptive use in the Museum's interpretative program.
3. Option 3 provides the best esthetic arrangement of structures on the Green.



# Memo

**To:** Troy City Council

**From:** Troy Historical Society, Harriet Barnard, President

**Date:** 11/29/01

**Re:** Church/Parsonage Project

---

The officers and Board members of the Troy Historical Society have reviewed the report of Gerald J. Yurk Associates regarding the Troy Methodist Church and Parsonage. We agree that Option 3 (with the addition of air conditioning in both buildings) is the best option for preserving the buildings and for using them in the educational programs offered at the Museum. The Historical Society has worked many years to bring the old Troy Methodist Church to the Green. We believe this church is an important part of Troy's heritage, and that it should be preserved at the Museum where more people can see it and learn about it and the people of Troy. The Church and parsonage should be placed at the far end of the Green. This was the site approved by the City when the buildings were purchased.

The Troy Historical Society is committed to supporting this project financially. In addition to the \$175,000 we contributed to the purchase of the buildings, we continue to pay for utilities at the structures, and pledge \$200,000 toward moving the church to the Green.

*Harriet F. Barnard*

November 15, 2001

In regard to the meeting of November 15, 2001 on the moving of the Methodist Church and parsonage to the Village Green, we would like to confirm our vote of approval of option III.

Sincerely,

Troy Museum Guild

*Geraldene Young*  
*Vicki Smith*

---

**G-16 Joint Recommendation to Relocate Historic Methodist Church and Parsonage from its Current Site on Square Lake to the Village Green**

**NOTE: A copy of the below report is inserted with packet material OR can be viewed at the Troy City Clerk's office.**

**City of Troy  
Historic Preservation Plan for Troy Methodist Church and Parsonage  
Budget and Descriptive Plan for Restoration**

November 26, 2001  
(Revised from November 15, 2001)

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December 13, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/ Services  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Jeanette Bennett, Purchasing Director

Re: City Council Boardroom Seating  
Leather vs. Cloth

### **LEATHER VS. CLOTH**

Staff was requested to research the wear ability of leather vs. cloth. As a result of the research conducted it was found that leather is a product of nature that primarily consists of protein collagen bundles (three-dimensional interweaving of fiber) that give leather its unique structure and adaptability. It is the organization of these fiber bundles that allows for their ability to move in response to stresses and strains and gives leather its characteristics of flexibility, strength, elasticity, malleability, and the ability to breathe. In conclusion, leather is inherently durable and strong and has the natural ability to adjust to its environment.

Traditionally, leather is one of the strongest upholstery materials, although depending on the composition of cloth in today's market; cloth may have the same wear characteristics as leather depending upon how much money one wishes to spend (i.e. the Kryptonite fabric used in the West Entrance). Therefore, the Haworth/ Tuohy sales representative could not provide any documentation to prove the superiority of leather. The "Leather Facts" sheet attached has been downloaded from the Internet. In this fact sheet, it is stated that, "Leather is the strongest upholstery material traditionally used for furniture and has been proven to outlast fabric at least four to one." Scientific documentation could not be found that substantiates this claim.

### **CONCLUSION**

Definitive information is not available to compare leather vs. cloth since so many man-made materials have increased the durability of cloth. It can be said that leather is a very durable natural material that is inherently strong.

December 11, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Laura A. Fitzpatrick, Assistant to the City Manager

SUBJECT: Elected Official Names on Municipal Building Dedication Plaques

In response to an inquiry made at the December 3, 2001 City Council meeting, attached find a table of Troy municipal building plaques. The table delineates the elected official names that appear on dedication plaques.

Analysis of the table is summarized below. Upon consideration of the City's plaques, it is evident that the City has not engaged in a uniform practice pertaining to elected official names on dedication plaques.

Summary Points:

- All plaques contain only seven elected official names.
- Only one plaque, City Hall, contains names of elected officials who were no longer in office at the time of dedication. It appears the names of the two newly elected officials were replaced with the names of their predecessors.
- Three plaques contain names of officials that were elected in the year of the dedication (i.e. newly elected officials). This implies that certain officials who served at the time of inception or approval of these projects were not included on the dedication plaque. Most noteworthy of these instances is that of the Aquatic Center. Mayor Doyle served at the time of the bid award (and the sixteen years prior to that time); however, his name is not on the dedication plaque (dedicated the year following his departure).

Notes:

- The table does not contain other names that appear on the plaque (i.e. board members, architect, etc.).
- There are no plaques at the fire stations.

Also attached, find a table delineating the plaque practices of other communities (state and national).

Conclusion: Unless we hear otherwise, staff will follow current practice and City Council members in office at the time of dedication will appear on plaques.

<b>City of Troy Building</b>	<b>Inception/ Approval Dates</b>	<b>Year Dedicated</b>	<b>Governing Body Members on Plaque (Dates of Service)</b>	<b># Names &amp; Members Not in Office at Time of Dedication OR Elected in the Year of Dedication</b>
<b>City Hall</b>	<b>4/65:</b> Bldg. Permit Issued	<b>1966</b>	<b>Commissioners:</b> Vincent J. McAvoy, Mayor ( 4/59 – 4/68) Clancy A. Fonseth (4/64 – 4/67) David E. Gratopp (4/64 – 4/70) Kenneth Henning (12/64 – 4/65) Glen H. Houghten (4/63 – 4/69) Wallace B. Hudson (4/59 – 4/68) Clifford F. Sutermeister (4/57 – 6/65)	<b># Names: 7</b>  <b>Not in Office at Time of Dedication:</b> Henning Sutermeister
<b>Troy Hall of Justice</b> <i>a.k.a City Hall 1978 Addition</i>	<b>4/77:</b> Bldg. Permit Issued (Foundations Permit)	<b>1979</b>	<b>Council members:</b> Richard Doyle, Mayor (4/74 – 4/92) Jeanne Stine, Mayor Pro-Tem (4/76 – 4/01) Randall J. Husk (4/78 – 4/96) Alan J. Liebrecht (4/78 – 4/88) James F. McKenna (4/75-4/81) Anthony Pallotta (6/72 – present) Peter A. Taucher (4/68 – 4/89)	<b># Names: 7</b>
<b>Old Community Center</b>	<b>6/78:</b> Bldg. Permit Issued	<b>1979</b>	<b>Council members:</b> Richard Doyle, Mayor (4/74 – 4/92) Jeanne Stine, Mayor Pro-Tem (4/76 – 4/01) Randall J. Husk (4/78 – 4/96) Alan J. Liebrecht (4/78 – 4/88) James F. McKenna (4/75-4/81) Anthony Pallotta (6/72 – present) Peter A. Taucher (4/68 – 4/89)	<b># Names: 7</b>
<b>Aquatic Center</b>	<b>4/91:</b> Phase II Bid Award \$2.5M <b>5/91:</b> Bldg. Permit Issued	<b>1992</b>	<b>City Council:</b> Jeanne M Stine, Mayor (4/76 – 4/01) Henry Allemon (4/89 – 1/01) Randall J. Husk (4/78 – 4/96) Howard C. Johnson (4/88 – 1/93) Anthony N. Pallotta (6/72 – present) Louise E. Schilling (4/81 – 4/93; 4/96 – present) John R. Stevens (4/92 – 4/01)	<b># Names: 7</b>  <b>Elected in the Year of Dedication:</b> Stevens Note: Doyle in office at time of bid award, but not on plaque
<b>Public Works Building</b>	<b>10/74:</b> Bldg. Permit Issued (Foundations Permit)	<b>1975</b>	<b>City Council:</b> Richard E. Doyle , Mayor (4/74 – 4/92) Ronald M. Bookholder (4/74-12/75) James F. McKenna (4/75-4/81) Norman D. Michaelson (4/70-4/76) Arthur Molinar (4/71-4/78) Anthony N. Pallotta (6/72 – present) Peter A. Taucher (4/68 – 4/89)	<b># Names: 7</b>  <b>Elected in the Year of Dedication:</b> McKenna

<b>City of Troy Building</b>	<b>Inception Dates</b>	<b>Year Dedicated</b>	<b>Governing Body Members on Plaque (Dates of Service)</b>	<b># Names &amp; Members Not in Office at Time of Dedication OR Elected in the Year of Dedication</b>
<b>Library</b>	<b>3/83:</b> Bid Award	<b>1984</b> (addition plaque)	<b>City Council:</b> Richard E. Doyle , Mayor (4/74 – 4/92) Randall J. Husk (4/78 – 4/96) Alan J. Liebrecht (4/78 – 4/88) Anthony N. Pallotta (6/72 – present) Louise E. Schilling (4/81 – 4/93; 4/96 – present) Jeanne Stine (4/76 – 4/01) Peter A. Taucher (4/68 – 4/89)	<b># Names: 7</b>
<b>52-4 District Court</b> (Conversion of Community Center)	<b>12/97:</b> Resolution Authorizing \$ Amount	<b>1999</b> (conversion with addition)	<b>City of Troy County of Oakland</b> Jeanne Stine, Mayor (4/76 – 4/01) Louise Schilling, Mayor Pro-Tem (4/81 – 4/93; 4/96 – present) <b>Council members:</b> Henry Allemon (4/89 – 1/01) Thomas Kaszubski (4/99 – present) Anthony Pallotta (6/72 – present) John Stevens (4/92 – 4/01) Eldon Thompson (4/97 – 4/-00)	<b># Names: 7</b>  <b>Elected in the Year of Dedication:</b> Kaszubski
<b>Nature Center</b>		<b>1981</b>	None: it is simply a dedication plaque indicating the center's namesake, Lloyd A. Stage	

<b>MUNICIPALITY</b>	<b>PLAQUE PRACTICE</b>
<b>STATE</b>	
Birmingham, MI	No hard and fast rule on this however when they rebuilt city hall they were faced with this issue; because the process from bond issue to final construction spanned the terms of several commissioners they decided to <i>honor all who were involved and thus eleven city commissioners are listed on the city hall plaque</i>
Oak Park, MI	They have never had a change in the City Council from inception to dedication of a project; if they did, per the Mayor, it would probably be up to the current City Council members as to whose names to include
<b>NATIONAL</b>	
Clovis, CA	<i>Include names of council members who were involved in planning, building, and dedication</i> with those at the dedication getting top billing
Topeka, KS	<i>Include all names:</i> i.e. those at the ribbon cutting as well as those at the ground breaking
Roselle, IL	<i>Include all names</i> by having a section on the plaque called <i>“Officials at Inception”</i>
Johnson County, KS	Include all names
Warrensburg, MO	<i>Include all council members</i> who served during the planning, construction and dedication of the building, along with their years of service





December 13, 2001

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: PROPOSED BALLOT LANGUAGE – PENSION

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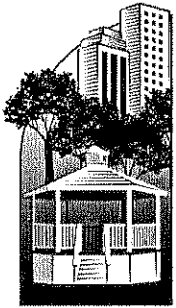
Administration was directed, pursuant to a resolution passed on January 8, 2001, to draft a proposed charter amendment “that would prohibit the city council from adopting a pension plan for elected officials or the Planning Commission.” This proposed charter amendment would also “effectively prohibit any compensation or fringe benefits, such as medical insurance, dental insurance, auto allowance, retirement compensation, 401K plan, etc., that is in excess of what is already received by the City Council.”

A proposed Charter Amendment was drafted for the Charter Revision Committee to consider at their December 4, 2001 meeting. A copy of the memo is attached for your review. The Charter Revision Committee, after reviewing the issue, “recommended to City Council that they take no action on compensation and leave the Charter as is on this topic.” (Minutes of Dec. 4 Meeting)

The City Council has the option to override the recommendation of the Charter Revision Committee, which is an advisory body to the City Council. However, before the issue can appear on the ballot, City Council needs to approve the specific ballot language. (3/5 vote required per state statute).

If Council intends to place this item on the April 2002 ballot, then it is my recommendation that the proposed language be reviewed by an employee benefits attorney prior to your action on the matter. This would insure that the pension of the volunteer firefighters is not similarly precluded.

If you have any questions concerning the above, please let me know.



# City of Troy

11/27/01

**TO:** MAYOR AND MEMBERS OF TROY CITY COUNCIL  
CHARTER REVISION COMMITTEE

**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY *LGB*

**RE:** PRECLUDING ENACTMENT OF PENSION FOR COUNCIL

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On January 8, 2001, the Troy City Council unanimously approved the following resolution:

***RESOLVED that the Administration, in conjunction with the Charter Revision Committee, be directed to draft a proposed Charter Amendment, to be placed on either the April 2001 or April 2002 ballot, that would prohibit the city council from adopting a pension plan for elected officials or the Planning Commission.***

***BE IT FURTHER RESOVLED that said proposed Charter Amendment effectively prohibit any compensation or fringe benefits, such as medical insurance, dental insurance, auto allowance, retirement compensation, 401K plan, etc., that is in excess of what is already received by the City Council.***

Unfortunately, this issue was only briefly discussed at the last Charter Revision Committee meeting, due to time constraints. In order to facilitate discussion, the following relevant Charter provisions are recited, and I have also proposed some language revisions for your consideration.

**§ 6.14 Employee Welfare Benefits**

The Council shall have the power to make available to the administrative officers and employees of the city and its department and boards any recognized standard plan of group life, hospital, health or accident insurance.

This provision could be modified as follows:

*The Council shall have the power to make available to the administrative officers and employees **and former employees** of the city and its department and boards any recognized standard plan of group life, hospital, health or accident insurance. **These benefits shall not be offered to any elected official of the City of Troy, or to any board and committee member that does not qualify as an employee or a former employee.***

The second relevant provision is found in § 15.13 of the Troy City Charter, which states:

**§ 15.13      The Council may, by ordinance, provide for a retirement and pension system for any and all persons in the service of the City.**

This provision could be modified as follows:

**§ 15.13      The Council may, by ordinance, provide for a retirement and pension system for any and all persons in the service **employees** of the City.**

These proposals may need to be modified after further research. This review should be completed prior to the Charter Revision Committee meeting.

If you have any questions concerning the above, please let me know.

December 3, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Charles T. Craft, Chief of Police

SUBJECT: Officer Pete Pizzorni – Recipient of the U.S. Department of Justice  
Directors Award

On Friday, November 30, 2001, Officer Pete Pizzorni received the U.S. Department of Justice's Directors Award for "Outstanding Contributions in Law Enforcement". The award ceremony was held in Washington D.C. and was attended by U.S. Attorney General John Ashcroft.

Officer Pizzorni received this award for his outstanding contributions in the area of identity theft and credit card fraud. His efforts, along with those of FBI Agent John Shoup, U.S. Secret Service Agent James Knight, U.S. Postal Service Inspector Daniel Hennemann, and Assistant U.S. Attorney Cynthia Oberg, resulted in a significant reduction in such fraudulent activity in the Metro-Detroit area.

Directly attributable to the efforts of those receiving the Directors Award are the following:

- Identification of 37 different groups of suspects perpetrating credit card frauds
- Tracing of over \$5 million in losses attributed to the suspects
- Identification of over 3,000 victims of fraud
- Successful federal prosecution of 26 suspects and state prosecution of 35 others
- Dismantling of 9 counterfeit credit card manufacturing facilities and 18 counterfeit check and identification operations



December 13, 2001

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: PUBLIC COMMENT

According to the Open Meetings Act, MCL 15.263 (5), "A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body..." Michigan Attorney General provide examples of permissible restrictions:

1. A public body may limit the total time that a person may address a public body, as long as the limitation is reasonable and flexible. OAG 1977, No. 5183; OAG 1978, No. 5332.
2. A public body may provide an opportunity for the public comment only at the end of its meeting, following the completion of business. OAG 1980, No. 5716.
3. A public body may require a person desiring to make public comments to identify himself/herself and give advance indication that they wish to speak. This is permissible, since it facilitates the orderly conduct of the meeting. OAG 1977, No. 5183.
4. Although members of the public are entitled to be present when a public body conducts interviews of applicants for employment, and must be afforded an opportunity to address the public body at some point during such meetings, they do not have the right to ask questions of the applicants for employment. OAG 1981, No. 6019.
5. Since the purpose of a meeting is to discuss public business and not to deal with individual personalities, a rule may be adopted prohibiting a

person from using the Council and public's time to make a personal attack on an officer, employee which is not related to their performance of duties. OAG 1978, No. 5332.

I have attached a copy of a compilation of information prepared by Laura Fitzpatrick in October 1999, which provides some data on the practices of other municipalities regarding public comment.

Please let me know if you have any questions concerning the above.

Report on Visitors Section of Council Meeting Agendas  
October 8, 1999  
Laura Fitzpatrick, Management Intern

City of Farmington Hills

Placement: Relatively early; about 1/3 of the way into the meeting; after consent agenda and before public issues/unfinished business/new business  
Time Limit: none

City of Oak Park

Placement: near the end (#13 of 15 items)  
Time Limit: 3 minutes

City of Ann Arbor  
(web site)

Placement: final item before adjournment  
Time limit: 5 minutes  
Text: *Anyone wishing to address Council may do so at this time. Speakers are limited to 5 minutes each.*

City of Madison Heights  
(web site)

Placement: about halfway through  
Time limit: 3 minutes  
Text: *The city manager has requested that if you do have a question or concern to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention to the City Manager, and if still not resolved satisfactorily, to the Mayor and Council...Comments and statements to be addressed to the Mayor and Council may be limited by council to three minutes...*

City of Birmingham  
(web site)

Placement: towards end (#7 of 10 items)  
Time limit: none  
Note: Mayor may remind audience not to repeat what other speakers have already said

City of Sterling Heights  
(web site)

Placement: about halfway through

Time limit: none

Text: *Any person while being heard at a Council meeting may be called to order by Chair or any Council member for failure to be germane to the business of the meeting or for vulgarity or personal attack of persons or institutions.*

City of Rochester Hills

Placement: about 2/3 of the way through

Time limit: 3 minutes

Text: *City Council welcomes comments from the audience on all council matters. So that we receive input from all those who wish to speak, please limit your comments to three minutes....We ask that you direct your comments to the Chair. Any person committing a breach of the peace in the presence of Council shall be excluded from the meeting pursuant to City Council Rules of Procedure Section VI, C and D.*

City of Royal Oak

Placement: early (item #7 of 22)

Time limit: 5 minutes

Text: attached "Rules of Procedure" (a full page, consisting of an introduction followed by numbered "Rules of Procedure.")

Rule #3: *Speakers shall be limited to a presentation of five minutes unless such period of time is extended by a vote of the City Commission.*